POLICY: 200-050385-036

Disciplinary Actions for Failure to Comply with Privacy Policies and Procedures (DHS Policy # 361.10)

Purpose

To state the General Policy of the Los Angeles County Department of Health Services (DHS) related to the improper use or disclosure of Protected Health Information under the Privacy Standards of the Health Insurance Portability and Accountability Act of 1996, 45 C.F.R. Parts 160 and 164 (HIPAA Privacy Standards), and the Los Angeles County and DHS policies and procedures which implement HIPAA (HIPAA Implementing Policies and Procedures.)

Policy

Each DHS facility is required to investigate failures to comply with policies related to Protected Health Information (PHI) privacy, confidentiality, and security, and must impose appropriate disciplinary actions where indicated. Disciplinary actions are progressive and commensurate with the severity, frequency, and intent of violations. DHS applies disciplinary actions equitably without regard to role or position.

Unauthorized access, use, and/or disclosure of protected health information, or the failure to maintain and safeguard PHI is subject to disciplinary action, including, but not limited to, verbal counseling, written warning, reprimand, suspension, and discharge, in accordance with the provisions of Los Angeles County Civil Service rules and DHS Policy No. 747, Disciplinary Action. Disciplinary actions will not be applied to a workforce member who discloses Protected Health Information (PHI) to a health oversight agency or an attorney in the process of reporting either an allegation of unlawful conduct by the entity or a violation of professional standards or clinical standards, or conditions in the entity that endanger patients (whistleblower). Additionally, disciplinary actions will not be applied for filing complaints, testifying, participating in investigations, compliance reviews, proceedings or hearings, or for opposing real or perceived unlawful acts or practices under this act provided the disclosures are made in good faith.

Definitions

Protected Health Information (PHI) means individually identifiable information relating to past, present or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present, or future payment for health care provided to an individual. Workforce or Workforce Member means employees, volunteers, trainees, and other persons whose conduct, in the performance of work for DHS, is under its direct control, whether or not they are paid by the County.