



# ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7128

PAGE: 1 OF 4

CATEGORY: **Personnel, Insurance**

EFFECTIVE: **4-21-03**

SUBJECT: **Access to Protected Health Information**

REVISED: **NEW**

## A. PURPOSE AND SCOPE

1. To outline administrative procedure (a) to support compliance with the Privacy Regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and (b) to safeguard protected health information related to plan members covered by the San Diego City Schools Group Dental Benefits Plan and the San Diego City Schools Flexible Spending Accounts Plan.
2. **Related Procedures:**

Centralized automated personnel records .....	7101
Group dental benefits plans .....	7124
Group medical benefits plans .....	7122

## B. LEGAL AND POLICY BASIS

1. **Reference:** Board Policy I-1960; Title II, Subtitle F, Administrative Simplification, of the Health Insurance Portability and Accountability Act of 1996; District HIPAA Privacy Manual.

## C. GENERAL

1. **Originating Office.** Suggestions or questions concerning these procedures should be directed to the District Benefits Administrator, Employee Services Department, Human Resource Services Division, Office of the Superintendent.
2. **Definitions.** A complete list of definitions of terminology used in the HIPAA Privacy Regulations may be found in the district's HIPAA Privacy Manual.
3. **Safeguards and Mitigation.** Appropriate administrative, technical, and physical safeguards will be in place to safeguard the privacy of protected health information. If inappropriate use or disclosure of protected health information occurs, prompt action will be taken to mitigate any damaging effects.
4. **Education and Training Programs.** Training was provided to all designated employees prior to April 14, 2003. Thereafter, training will be provided within a reasonable period of time to each new employee with access to protected health information. Training will also be conducted within a reasonable period of time when a material change in the privacy policy or procedures has occurred.

5. **Privacy Officer.** The Privacy Officer for the district shall be the district's benefits administrator. The Privacy Officer will be responsible for overseeing and monitoring the privacy policy and procedures and other specific functions as described in the District HIPAA Privacy Manual.
6. **Reporting of Violations.** Complaints regarding violations of the privacy policy should be directed to the district's benefits administrator/Privacy Officer. Every effort will be made to protect the confidentiality of the identity of the individual reporting the violation and there will be no retaliation for reporting a possible violation.
7. **Reservation of Rights.** As procedures or applicable regulations change, the district will amend the privacy policy.
8. **State Law Considerations.** State law will take precedent where it is more stringent than the HIPAA regulations. The Office of General Counsel will make final determinations.
9. **Claims for Benefits.** Refer to the benefits claims procedures in the plan document.
10. **Rights of Plan Participants.** Information regarding an individual's rights to his/her protected health information will be communicated to all plan participants. The following procedures will apply:
  - a. **Right of access.** The individual will have the right to inspect and obtain a copy of specified protected health information. Under certain circumstances, a request by an individual for access to protected health information may be denied. Denials will be referred to the district's benefits administrator for review. If upheld, a denial letter will be sent that explains the reason for the denial.
  - b. **Request to amend records.** The individual will have the right to request the amendment of specified protected health information. Under certain circumstances, a request by an individual for amendment of protected health information may be denied. Denials will be referred to the district's benefits administrator for review. If upheld, a denial letter will be sent that explains the reason for the denial.
  - c. **Request to restrict uses and disclosures.** The individual will have a right to request a restriction of the use or disclosure of specified protected health information.

- d. **Request for confidential communication.** The individual will have a right to request and receive communication of protected health information by alternative means or at alternative locations. Reasonable requests will be accommodated.
  - e. **Accounting of disclosures.** The individual will have a right to request the accounting of certain disclosures of his/her protected health information. Requests will be referred to the district's benefits administrator/Privacy Officer. The request will be acted on no later than 60 days after the date of the request.
  - f. **Personal representative's rights.** A personal representative of the plan participant will have access to the participant's protected health information. Appropriate verification of the identity of the personal representative will be required.
  - g. **Complaints.** Complaints received from plan participants will be referred to the district's benefits administrator/Privacy Officer and responded to promptly. Refer to the HIPAA Privacy Manual for guidelines.
11. **Relationships With Third Parties**
- a. **Release of information to employer/plan sponsor.** Health plan documents shall be amended to contain appropriate HIPAA language regarding disclosure of protected health information.
  - b. **Business associates.** District's benefits administrator shall ensure that only the minimum amount of protected health information necessary for performing functions of treatment, payment, and health care operations of the plans will be disclosed to business associates, and only after entering into a written agreement with the business associates.
12. **Responsibility. District's benefits administrator/Privacy Officer:**
- a. Oversee the implementation of the HIPAA Privacy policy and procedures:
  - b. Ensure that protected health information is used or disclosed only for purposes of treatment, payment, and health care operations for the plans.
  - c. Develop, publish and periodically update the HIPAA Guidelines Manual, and enforce its provisions.

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PAGE: **4 OF 4**

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13. **District employees with access** to protected health information under the plans who fail to comply with federal and state privacy laws may be recommended by the district's benefits administrator/Privacy Officer for disciplinary action up to and including termination.

**D. IMPLEMENTATION** (Section C.)

**E. FORMS AND AUXILIARY REFERENCE**

1. District HIPAA Privacy Manual
2. Plan Document Rider #4; Article XIII, Disclosure Of Protected Health Information By The Plan To The District
3. Notice of Privacy Practice
4. Certification to Group Health Plan, HMO or Health Insurance Issuer

**F. REPORTS AND RECORDS**

1. All documentation related to compliance with the HIPPA Privacy Rules will be maintained for six years by the Employee Services Department.

**G. APPROVED BY**



Chief of Staff, Terrance L. Smith  
For the Superintendent of Public Education