

Valleywise Health Administrative Policy & Procedure

Effective Date: 03/03

Reviewed Dates: 05/08, 04/10, 03/12, 06/15, 02/17, 09/18, 01/2020

Revision Dates: 10/06, 06/08, 06/15, 02/17

Policy #: 01304 S

Policy Title: Compliance/HIPAA: Prohibition of Intimidating or Retaliatory Acts

Scope: [] District Governance (G)
[X] System-Wide (S)
[] Division (D)
[] Multi-Division (MD)
[] Department (T)
[] Multi-Department (MT)

Purpose:

To provide guidance to Valleywise Health patients and Personnel regarding prohibition of intimidating or retaliatory acts

Definitions:

PHI – protected health information

Valleywise Health Personnel: Valleywise Health Personnel includes all personnel who would appear to the general public as an employee or agent of Valleywise Health. Valleywise Health Personnel includes: Employees, residents, physicians, volunteers, contractors, vendors, temporary labor, registry personnel, travelers, and contract employees.

Policy:

Valleywise Health personnel will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against an individual for the exercise by that individual of any right under the HIPAA Privacy Regulations, or for participation by the individual in any process established by the Privacy Regulations.

Note: This prohibition applies to any individual filing a complaint with the United States Department of Health and Human Services (“DHHS”); testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing arising under the Privacy Regulations; or opposing any act or practice of Valleywise Health, provided the individual or person has a good faith belief that the practice

opposed is unlawful, and the manner of opposition is reasonable and does not disclose Protected Health Information ("PHI") in violation of the Privacy Regulations.

Procedure:

1. Consistent with the Valleywise Health intention to encourage regulatory compliance and improved patient care through an accessible and well-documented complaint process, Valleywise Health will have no tolerance for acts of intimidation, threats, coercion, discrimination, or other retaliatory behavior against persons attempting in good faith and in a reasonable manner to exercise their rights concerning the privacy of health information.
2. As part of its compliance education program, the Compliance Office is responsible for educating all Valleywise Health personnel of the prohibition against intimidating, threatening, coercive, discriminatory, or retaliatory action against persons exercising their rights or participating in any process concerning the privacy of health information.
3. Any reports of suspected intimidating, threatening, discriminatory or retaliatory acts taken toward patients or Valleywise Health personnel should be reported to the Compliance Office immediately.
4. The Compliance Office will investigate fully any complaint or allegation of the intimidating, discriminatory, or retaliatory behavior. Upon completion of this investigation, if the Chief Compliance Officer (CCO) finds that the intimidating, discriminatory, or retaliatory behavior did occur, he/she will take appropriate action against the responsible personnel, up to and including termination.
5. If Valleywise Health personnel has filed a complaint with the Department of Health and Human Services (DHHS), testified, assisted, or participated in an investigation, or opposed any act or practice such personnel believe to be unlawful, the CCO, will consult with, if necessary, Human Resources, Risk Management, and/or legal counsel before reaching any final decisions concerning the employment of the involved personnel.

References:

Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule 45 CFR §160.316 Refraining from intimidation or retaliation

Valleywise Health Policy & Procedure - Approval Sheet
(Before submitting, fill out COMPLETELY.)

POLICY RESPONSIBLE PARTY: Chief Compliance Officer

DEVELOPMENT TEAM(S): Office of Corporate Compliance

Policy #: 01304 S

Policy Title: Prohibition of Intimidating or Retaliatory Acts

e-Signers: L.T. Slaughter, Jr., Chief Compliance Officer

Place an X on the right side of applicable description:

New -

Retire -

Reviewed - 01/2020

Revised with Minor Changes -

Revised with Major Changes -

Please list revisions made below: (Other than grammatical changes or name and date changes)

Reviewed and Approved by in Addition to Responsible Party and E-Signer(s):

Committee: System-wide P&P	01/2020
Committee:	00/00
Committee:	00/00
Reviewed for EPIC:	N/A
Other:	00/00
Other:	00/00
Other:	00/00