



# Chelsea Public Schools

## Office of the Superintendent

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### **CITY OF CHELSEA HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT PRIVACY POLICY**

In compliance with the Privacy Regulations of the Health Insurance Portability and Accountability Act of 1996, the City of Chelsea shall limit the use of and access to Protected Health Information, which is held by the City or its lawful agents. Protected Health Information (PHI) is any written, oral or electronic form of information, relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical and physical safeguards, established to limit use and access to protected health information are stated as an integral part of this policy, established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the City of Chelsea.

To assure this commitment to compliance, the City shall designate the Director of Human Resources as the Privacy Officer who shall have the responsibility:

- to maintain documentation of the City's efforts to comply with HIPAA privacy regulations,
- to ensure that plan subscribers are sent privacy notices and new enrollees receive said notices,
- to track any protected health information disclosures,
- to process authorizations for disclosure and use of protected health information,
- to resolve complaints from participants about possible privacy violations,
- to serve as the City's liaison with the group health insurance program third party administrator, relevant business associates and health insurance carriers, communicating the City's commitment and securing the commitment of these entities to the privacy and security of protected health information,
- to maintain all required authorizations, agreements, etc. relative to the protected health information of group health insurance program participants, and
- to monitor the City's compliance with HIPAA privacy regulations on a regular basis.

The Privacy Officer of the City of Chelsea is covered under the City's liability insurance in the legal performance of his/her duties and has access to the City's legal counsel in the same regard.

In accordance with HIPAA, and as designated by the City Manager, only the City of Chelsea Director of HR and the HR Manager may be given access to protected health information in order to legally perform the position duties and administer the City's group health and dental insurance programs.

The City of Chelsea communicates its commitment to HIPAA Privacy Regulations through:

- distributing the privacy notices to all subscribers in the self-insured group health insurance plans, and
- including the privacy notice in the new employee benefits package.

As an employer, the City of Chelsea may use protected health information in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care costs, compiling civil/criminal proceedings, and any other use required by law for public health, communicable disease, abuse or neglect, or food and drug administration purposes. Information which is normally maintained in

the employment record which is not classified as protected health information includes all forms, responses, inquiries and data relative to the family medical leave act, drug screenings, fitness for duty, workers compensation, disability, life insurance, the occupational safety and health act and sick leave.

Protected health information may be released for other purposes by the authorization of the employee submitting the established form in person to the Privacy Officer. The use and/or disclosure of protected health information is limited to the specific information for the specific purpose to and from the specific individual and/or entity for a specific time period as delineated in the authorization form. Group health insurance program participants are allowed to review their protected health information that is held by the City and to make corrections to errors. Upon request, a participant will be provided with an accounting of disclosures of protected health information.

The City of Chelsea separates protected health information from the employment record and retains such information in files accessible only to the Director of HR and the HR Manager and, under special circumstances, other City Officials that have a bona fide need to know to accomplish legal City business. All entities which could receive protected health information (the group health insurance consultant, fully insured plan providers, legal counsel, actuaries and consultants) must enter into a business associate agreement with the City of Chelsea in which both parties commit to compliance with the HIPAA Privacy Regulations and providing satisfactory assurances that the business associate will appropriately safeguard the protected health information.

Participants that believe they have been aggrieved by the use or disclosure of protected health information may file a written grievance with the Privacy Officer within sixty (60) calendar days of the use or disclosure of the protected health information or within fifteen (15) calendar days of their knowledge of said use or disclosure. The grievance must delineate the specifics of the complaint, including but not limited to:

1. what unauthorized protected health information was released
2. who received the protected health information and/or is knowledgeable of the protected health information
3. when was the protected health information released and/or when did the complainant become aware of the unauthorized knowledge of the protected health information; and
4. what was the result of the release of the unauthorized protected health information.

The Privacy Officer will meet with the complainant as soon as possible after the receipt of the grievance. During this meeting the Privacy Officer will discuss the issue brought forward with the complainant. The Privacy Officer will investigate the allegations of the complaint with the full support and assistance of City officials and if necessary legal counsel. The Privacy Officer will provide a written report of his/her findings and recommended action, if warranted, to the City Manager and the complainant within thirty (30) calendar days from the date of the meeting with the complainant. If for some reason the Privacy Officer is unable to conduct this meeting and/or investigation, the City Manager shall appoint a senior manager to perform these duties.

Complainants may also contact the Federal Offices of the Department of Health and Human Services for assistance.

The City of Chelsea will comply with the Privacy Regulations established by the Federal Government and requires its employees to observe and comply with this policy and the use of the proper procedures and policy documents, Employees found to have breached protected health information security will be subject to sanctions from verbal reprimand up to and including termination, dependent upon the seriousness, willfulness and ramifications of the breach.