

## **General Policy: F6**

## **HIPPA Grievance and Sanction**

Catholic Charities has adopted this Sanction Policy to comply with the HIPAA and the draft regulations requirement for such a policy, as well as to fulfill our duty to protect the confidentiality and integrity of confidential medical information as required by law, professional ethics, and accreditation requirements.

Catholic Charities has adopted a Security Policy requiring Catholic Charities and its officers, employees, and agents to protect the integrity and confidentiality of medical and other sensitive information pertaining to our patients. In addition, Catholic Charities and its departments have adopted policies and standards to carry out the objectives of the Security Policy. Each of these policies and standards notes that all officers, employees, and agents of Catholic Charities must adhere to these policies and standards, that Catholic Charities will not tolerate violations of these policies and standards, and that such violations constitute grounds for disciplinary action up to and including termination, professional discipline, and criminal prosecution.

Any officer, employee, or agent of Catholic Charities who believes another officer, employee, or agent of Catholic Charities has breached the facility's security policy or the policies and standards promulgated to carry out the objectives of the Security Policy or otherwise breached the integrity or confidentiality of patient or other sensitive information should immediately report such breach to his or her superior or to the Privacy Officer.

The Program Director where the complaint originated will conduct a thorough and confidential investigation into the allegations. The facility will inform the complainant of the results of the investigation and any corrective action taken. [Name of facility] will not retaliate against or permit reprisals against a complainant. Allegations not made in good faith, however, may result in discharge or other discipline.

As noted in the facility's employee handbook, Catholic Charities has a progressive discipline policy under which sanctions become more severe for repeated infractions. This policy (See Personnel Policy C.2: Release With Notice), however, does not mandate the use of a lesser sanction before [Name of facility] terminates an employee. In the discretion of management, [Name of facility] may terminate an employee for the first breach of the facility's security policy or individual policies and standards if the seriousness of the offense warrants such action. An employee could expect to lose his or her job for a willful or grossly negligent breach of confidentiality, willful or grossly negligent destruction of computer equipment or data, or knowing or grossly negligent violation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), its implementing regulations, or any other federal or state law protecting the integrity and confidentiality of patient information and may lose his or her job for a negligent breach of [Name of facility]'s standards for protecting the integrity and confidentiality of patient information. For less serious breaches, management may impose a lesser sanction, such as a verbal or written warning, verbal or written reprimand, loss of access, suspension without pay, demotion, or other sanction. In addition, [Name of facility] will seek to include such violations by contractors as a ground for termination of the contract and/or imposition of contract penalties.

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Violation of the facility's security policy or individual policies and standards may constitute a criminal offense under HIPAA, other federal laws, such as the Federal Computer Fraud and Abuse Act of 1986, 18 U.S.C. ' 1030, or state laws. Any employee or contractor who violates such a criminal law may expect that Catholic Charities will provide information concerning the violation to appropriate law enforcement personnel and will cooperate with any law enforcement investigation or prosecution.

Further, violations of the facility's security policy or individual policies and standards may constitute violations of professional ethics and be grounds for professional discipline. Any individual subject to professional ethics guidelines and/or professional discipline should expect Catholic Charities to report such violations to appropriate licensure/accreditation agencies and to cooperate with any professional investigation or disciplinary proceedings.