

CHICAGO LAKE SHORE MEDICAL ASSOCIATES

HIPAA Privacy Complaint Policy

Introduction

Chicago Lake Shore Medical Associates (CLSMA) has adopted this HIPAA Privacy Complaint Policy in order to recognize its federal statutory requirement to comply with the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), as amended by the HITECH Act of 2009 (ARRA Title XIII). We also recognize our responsibility to protect individually identifiable health information (“PHI”) under the regulations implementing HIPAA.

This policy governs the management of and response to privacy/HIPAA complaints made to the medical practice. All personnel, including physicians, of Chicago Lake Shore Medical Associates who come into contact with PHI must comply with this policy.

Overview

- ❑ Chicago Lake Shore Medical Associates hereby recognizes its status as a covered entity under the definitions contained in the HIPAA regulations.
- ❑ Chicago Lake Shore Medical Associates must comply with HIPAA and the HIPAA implementing regulations pertaining to complaints in accordance with the requirements at 45 CFR § 164.530(a) and § 164.530(d), as amended by the HITECH Act of 2009 (ARRA Title XIII) and subsequent amendments.
- ❑ HIPAA regulations, at 45 CFR § 164.530(g), prohibit intimidating or retaliatory acts against any person or patient who files a privacy complaint or exercises any right guaranteed under HIPAA.

Policy

- ❑ It is the policy of CLSMA to respond in a timely and positive manner to all HIPAA complaints submitted by any persons or parties, including patients, workforce members, and any other person or party.
- ❑ Responsibility for the acceptance of, management of, and responses to complaints shall reside with CLSMA’s HIPAA Privacy Officer and Security Officer, or designee(s), who shall establish a process and appropriate forms to receive and process complaints.

- ❑ All HIPAA complaints must be submitted in written form, dated and signed by the complainant.
- ❑ Chicago Lake Shore Medical Associates shall investigate and respond to all HIPAA complaints with a written response within **30 days** of the time each complaint is submitted in writing. If more time is required to investigate and resolve a specific complaint, the complainant shall be notified in writing within **30 days** of the time each complaint is submitted in writing, that additional time is required to investigate and resolve the complaint. Every effort shall be made so that in no case shall more than **60 days** elapse between the time a HIPAA complaint is submitted in writing and the resolution of the complaint.
- ❑ All parties named in the HIPAA complaint, or who participated in events leading to the complaint, shall be interviewed in a non-threatening and non-coercive manner.
- ❑ The final resolution or disposition of each HIPAA complaint shall be documented and a summary of the findings shall be provided to the complainant within **30 days** of the time each complaint is submitted in writing, unless the additional 30 days of response time is required, as provided for above.
- ❑ In addition to providing HIPAA complainants with a written response to their complaint, complaints that are found to have merit will be resolved with some remediation that is appropriate to the severity of the situation. Such remediations may include, but are not limited to:
 - A written apology to the complainant from CLSMA.
 - Credit-monitoring service for the complainant for a period of one or two years, paid for by Chicago Lake Shore Medical Associates, when the complaint involves a verified breach of unsecured PHI by Chicago Lake Shore Medical Associates.
 - Financial compensation, if determined to be appropriate by legal counsel and senior management.
 - Sanctions against workforce members, up to and including termination, as appropriate to the circumstances.
 - Other unspecified remediation(s), as determined by legal counsel and senior management.
- ❑ For HIPAA complaints submitted to the federal government, it is the policy of Chicago Lake Shore Medical Associates to cooperate fully and openly with federal authorities as they conduct their investigation.