


DEPARTMENT OF BEHAVIORAL HEALTH SERVICES
POLICY AND PROCEDURE MANUAL

SUBJECT: No Waiver of Rights	POLICY: 01-76
SECTION: Administration	EFFECTIVE DATE: 4-14-03
REFERENCE: 45 C.F.R Section 164.530(h)	PAGE: 1 of 2
AUTHORITY: 45 C.F.R Part 164	SUPERSEDES: New Policy
	APPROVED BY: 

PURPOSE: To establish a policy that establishes that Imperial County Behavioral Health Services will not require an individual to waive his or her rights as a condition of treatment, payment, enrollment in a health plan, or eligibility for benefits.

SCOPE: The information in this document applies to all members of the workforce which includes employees, contract employees, volunteers, trainees, etc., granted access to protected health information (PHI).

NOTES: None

DEFINITIONS: **DHHS:** The United States Department of Health and Human Services. This is the federal agency that is responsible for the implementation of the HIPAA Rule. Within DHHS, the Office of Civil Rights is the office responsible for the HIPAA Privacy Rule and the Centers for Medicare and Medicaid Services (CMS) is the organization responsible for the Transactions and Code Sets Rule.

Health Plan: An individual or group that provides, or pays the cost of medical care.

HIPAA: Health Insurance Portability and Accountability Act. The federal law passed in 1996 that provides national standards for health information

Individual: Under HIPAA, individual means the person who is subject of the protected health information (PHI).

Secretary: Secretary of the Department of Health and Human Services

Treatment: The provision, coordination, or management of health care and related services, consultation between providers relating to an individual, or referral of an individual to another provider for health care.

Payment: Activities undertaken to obtain or provide reimbursement for health care, including determinations of eligibility or coverage, billing, collection activities, medical necessity determinations, and utilization reviews.

Workforce: Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for the department, is under the direct control of the department, whether or not they are paid by the department.

POLICY: Imperial County Behavioral Health Services (ICBHS) will not require an individual to waive his or her rights under the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, including the right to make a complaint to the Secretary of Health and Human Services, as a condition of treatment, payment, enrollment in a health plan, or eligibility for benefits.

This policy applies to rights provided to an individual under the Privacy Rule including the right to:

1. request access to and obtain copies of PHI;
2. request amendments to PHI;
3. request accountings of disclosures of PHI;
4. request alternative communications of PHI;
5. request further restrictions of PHI; and
6. make a complaint to ICBHS or Health and Human Services.

Enforcement

Management and supervisors are responsible for enforcing this policy and associated procedure(s). Members of the workforce who violate this policy or associated policies or procedures are subject to disciplinary actions appropriate to the nature of the violation in accordance with the ICBHS sanction policy.