826. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

1. Purpose

It shall be the policy of the Spring-Ford Area School District to protect and safeguard the protected health information (“PHI”) created, acquired, and maintained by the Spring-Ford Area School District consistent with the Standards for Privacy of Individually Identifiable Health Information (the “Privacy Rule”) promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), any case law arising from the interpretation thereof, and applicable state laws.

20 U.S.C. Sec. 1232g 34 CFR 99 Pol. 216

For purposes of this policy, all health information created and maintained by the Spring-Ford Area School District and its agents that is considered part of a student’s “education record” under FERPA (“Family Educational Rights and Privacy Act”) is not subject to this policy.

2. Authority

45 CFR 160 et seq

The Spring-Ford Area School District and Administration recognize that, as an employer and health plan sponsor and a provider of health care services, certain components within its organization engage in HIPAA-covered functions and must comply with the HIPAA Privacy Rule; however, there are other components of the Spring-Ford Area School District that engage in non-covered functions and, thus, are not required to comply with the HIPAA Privacy Rule. Therefore, the Spring-Ford Area School District Board hereby designates itself as a “Hybrid Covered Entity” under HIPAA and its rules and regulations.

3. Delegation of Responsibility

The Spring-Ford Area School District Board of Directors will appoint three (3) Privacy Officers, (the Assistant Superintendent for students and the Business Manager and the Director of Human Resources for employees), who will, with individuals appointed by the Superintendent as members of a “Privacy Team,” undertake the following tasks to ensure compliance with the HIPAA Privacy Rule:

1. Conduct a thorough initial assessment of all existing procedures, and practices for creating, maintaining, using, disclosing, and destroying health information to determine where the gaps may be with respect to meeting HIPAA and/or FERPA standards and as to whether there are reasonable administrative, technical, and physical safeguards to protect the privacy of health information.
2. Draft, adopt, and maintain administrative procedures and practices to allow the Spring-Ford Area School District to meet the requirements of the HIPAA Privacy Rule as they may apply to the employee health plan and/or its other covered component(s).

3. Draft and adopt a “Notice of Privacy Practices” that describes, among other things, the uses and disclosures that the Spring-Ford Area School District is permitted or required to make under the HIPAA Privacy Rule, its obligations under HIPAA, and the rights related thereto for employees, students, and/or other individuals who may receive services from Spring-Ford Area School District’s covered component(s). Such notice must be drafted and distributed by the district’s Privacy Officers with respect to the Spring-Ford Area School District’s benefit plan providers.

4. Draft and adopt HIPAA-compliant written authorizations to use or disclose protected health information (PHI) for purposes unrelated to treatment, payment, health care operations, and other designated purposes under the HIPAA Privacy Rule, such authorization to be ready for use no later than April 15, 2004 with respect to the Spring-Ford Area School District’s health care provider component and by April 15, 2004 with respect to all the employee benefit plans (if applicable).

5. Identify Business Associates and enter into Business Associate Agreements with all third parties that access protected health information (PHI) when providing services on behalf of the Spring-Ford Area School District in relation to its employee health plan and/or health care provider components.

6. Establish a training program for all members of the Spring-Ford Area School District workforce on HIPAA and the Spring-Ford Area School District’s procedures and practices related thereto “as necessary and appropriate” for said employees to carry out their functions. Such training program shall include periodic refresher courses.

7. Develop a process for handling complaints, such process to include the designation of a specific individual to handle such complaints and appropriate procedures for documenting said complaints and the disposition thereof.

4. Guidelines

The Privacy Officers, in conjunction with the Superintendent, shall ensure the appropriate development and implementation of sanctions against those members of the workforce who fail to comply with the administrative procedures and practices developed hereunder.
In addition to ensuring that appropriate administrative procedures and practices are adopted and implemented to ensure compliance with the HIPAA Privacy Rule, the Spring-Ford Area School District Board and Administration will mitigate, to the extent possible, any harmful effects of improper disclosures of protected health information (PHI) and will refrain from any activity that may intimidate, threaten, coerce, discriminate against, or retaliate against an individual for exercising his/her rights under HIPAA.

This Board Policy and the administrative procedures and practices developed and implemented under the authority of the Privacy Officers replace any existing procedures and practices relating to the use and disclosure of protected health information (PHI). Any separate procedures and practices relating to the use and disclosure of health information can only be maintained to the extent that they do not conflict with these procedures and practices.