

Policy and Procedure on the Handling of Privacy Complaints

Carolina Musculoskeletal Institute, PA

Date: April 14, 2003

Authority: Office Manager, Hope Greene

Responsibility: Medical Secretary

Purpose:

The purpose of this policy is to comply with the privacy requirements of the Health Insurance Portability and Accountability Act (HIPAA) and to afford our patients the right to file complaints, have the complaint investigated and, if appropriate, receive the disposition of the complaint pursuant to the HIPAA privacy rules and our implementing policies and procedures.

General Policy:

It is our policy to keep a record of all complaints and to investigate all valid complaints to determine the circumstances surrounding any concerns our patients raise regarding privacy. If a patient's privacy rights have been infringed upon in any way, or there is evidence that our staff or associates have not adhered to the privacy standards or our policies and procedures, we will take actions consistent with the HIPAA regulations and our Policy and Procedure on Personnel Discipline for Breach of Privacy or Confidentiality and document these actions accordingly.

The HIPAA privacy regulations give all individuals the right to file complaints to Carolina Musculoskeletal Institute, PA and the Office of the Secretary in the Federal Department of Health and Human Services.

Under no circumstances will the fact that an individual has filed a complaint affect the services provided to that individual. Any staff found to be treating any individual differently in light of a complaint will be sanctioned. Any retaliation is prohibited by law.

Procedure:

1. Patients may file privacy complaints by submitting them, in writing, in one of the following ways:

- a. In person, on our Privacy Complaint Form;
- b. By mail, either on our Privacy Complaint Form or in a letter containing the necessary information specified below. All requests should be mailed to:

Medical Records
Carolina Musculoskeletal Institute, PA
410 University Parkway
Suite 1000
Aiken, SC 29801

- c. By facsimile machine at (803) 649-0543.

- d. By e-mail to jahawkins@cmi.md.

All privacy complaints should be directed to the Medical Secretary.

The complaint must describe the privacy concern in as much detail as possible including when the infraction of the standards or mishandling of protected health information was believed to have occurred, and who, if known, was believed to have acted inappropriately with respect to protected health information or an individual's privacy rights. The complaint must include the following information:

- a. The type of infraction the complaint involves (ie. inappropriate handling of PHI, appropriateness of privacy policies and processes);
- b. A detailed description of the privacy issue;
- c. The date the incident or problem occurred, if applicable;
- d. The mailing address or the email address to which a formal response to the complaint may be sent.

2. When a privacy complaint is filed by a patient:

a. Validate the complaint with the individual. If the complaint is received by mail, phone, fax or email call existing contact phone number and ask to speak with the patient to confirm the complaint. If the complaint is made in person request confirmation of identity, if needed, and validate the facts of the complaint.

b. If the complaint appears to be a misunderstanding of the requirements or your policies and procedures, contact the patient and determine if, based on a more in depth discussion of the concern, the individual still wants to file a complaint. Be as courteous as possible. **UNDER NO CIRCUMSTANCES SHOULD A PATIENT FEEL PRESSURED OR COERCED EVEN IF YOU BELIEVE THEY ARE STILL MISUNDERSTANDING THE RULES OR POLICIES.** If the individual does not want to pursue the complaint any further indicate "**no further action required based on clearer understanding**", record the date and time, and file under dismissed complaints.

c. Once validated and if not dismissed, log the complaint by placing a copy of the complaint form in the complaint file and the patient's medical record.

d. Investigate the complaint by reviewing the circumstances with the relevant staff and reviewing any audit and monitoring logs that may have relevance to the complaint. If the complaint involves any issues with an individual's rights that have attendant documentation e.g., consent or authorization processes or confidential requests, pull all relevant forms. Complete the complaint investigation section of the complaint form with a summary of your findings.

e. If you determine the complaint is invalid, draft a letter stating the reasons the complaint was found invalid. Initially letters should be reviewed by an impartial, knowledgeable staff person or lawyer for tone and rationale. Standard letters will likely emerge over time. File a copy of the letter and form in the investigated complaints file.

f. If you are uncertain about your findings get a second opinion from your HIPAA privacy committee or your lawyer.

g. If you determine the complaint is valid and linked to a required process or an individual's rights follow your office sanction policy to the extent that an individual is responsible. If the complaint involves your office's compliance with the standards that do not involve a single individual e.g., policies and procedures themselves versus adherence to them, then begin the process to revise your current policies and procedures.

h. Once an appropriate sanction or action has been taken with respect to a complaint with merit, or if the response will take more than 30 days, draft a letter explaining the

findings and the associated response or intended response. Use the same review process as for the invalid complaint letter in e. Document the disposition of complaint on the complaint form and file the letter and form in the investigated complaints file.

i. Place a copy of the Complaint Form in the patient's medical record.

j. Since your office accepts complaints via email ensure that the patient has signed the agreement stating they are responsible for access and use of their email and Carolina Musculoskeletal Institute, PA will not be held liable for inappropriate use or breach of that email. Also, ensure the patient has initialed their understanding of the security requirements for exchanging patient information over the internet.

Carolina Musculoskeletal Institute, PA
410 University Pkwy
Suite 1 South
Aiken, SC 29801
803-649-2257 x. 210

Privacy Complaint Form

I, _____ (Print Name), am registering a formal complaint regarding Carolina Musculoskeletal Institute, PA.

The complaint involves:

Appropriateness of Carolina Musculoskeletal Institute, PA's privacy policies and processes.

My privacy rights to notice, consent, authorization, access, amend, request restrictions, confidential communications or accounting of disclosures.

Inappropriate handling of protected health information.

Other

A detailed description of the privacy issue involved in the complaint is provided below:

The incident or problem occurred on _____ (month/day/year), if applicable.

I can be reached at _____ (please provide a day time number).

X _____ **DATE:** _____
PATIENT SIGNATURE

Please use the following mailing address for a formal response to this complaint.

PRINT MAILING ADDRESS:

Print City: _____ State: _____ Zip Code: _____

If you would like to follow up on the status of your complaint, please contact:

X _____
Printed Name of Medical Secretary

(803) 644-4264

For Only	Office Use	Dismissed	Investigated	Invalid	Has Merit
-------------	---------------	-----------	--------------	---------	-----------

Summary of investigation:

Response to complaints with merit:

Staff involved in review:

NAME: _____

DATE: _____

NAME: _____

DATE: _____

NAME: _____

DATE: _____