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**Human Resources Operating Procedure No. 136**

**HIPAA Privacy and Security**

**Trinity Health Corporation Welfare Benefit Plan**

**Trinity Health Corporation Retiree Benefit Plan (Grandfathered)**

**Integrity & Compliance Policy No. 01 Integrity & Compliance Program**

EFFECTIVE DATE*:* Janaury 1, 2017

Original Effective Date: April 14, 2003

PROCEDURE TITLE:

***Workforce Educational Awareness***

***and Training Related to the Privacy and***

***Security of Protected Health Information***

***To be reviewed every three years by:***

***Trinity Health Corporation Welfare Benefit Plan Privacy Official***

**REVIEW BY: January 1, 2020**

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This Procedure is in furtherance of the Trinity Health Corporation Integrity & Compliance Program as set forth in Trinity Health Corporation Integrity & Compliance Policy No. 01.

**PURPOSE**

The purpose of this Procedure is to ensure that all Workforce Members and other Plan Sponsor Employees receive effective and timely training regarding the Plan’s HIPAA Privacy Procedures. If the regulations under HIPAA are changed by HHS the Plan will follow the revised regulations.

**PROCEDURES**

1. ***Workforce Awareness and Training***
   1. The Plan’s Privacy Official and the Plan Sponsor will ensure that the Plan’s educational awareness and training program effectively educates Workforce Members and other Plan Sponsor Employees (described in Section 2.b.i. of Human Resources Operating Procedure No. 122 (Minimum Necessary Use or Disclosure of Protected Health Information)) on the Plan’s HIPAA Privacy Procedures with respect to the proper Use and Disclosure of PHI as necessary and appropriate for the Workforce Members and other Plan Sponsor Employees.
   2. The Plan’s Privacy Official will ensure that the Plan provides educational awareness and training to all Workforce Members on how to appropriately protect the confidentiality, integrity and availability of PHI in accordance with the Plan’s HIPAA Privacy Procedures.

i. Current Plan Sponsor Employees. The Privacy Official or his or her delegate will provide privacy training programsto all current Plan Sponsor Employees on how to handle PHI in accordance with the Plan’s HIPAA Privacy Procedures and HIPAA. All current Plan Sponsor Employees will be expected to attend such training programs. Attendance will be taken to ensure that all such employees have received appropriate training.

ii. New Plan Sponsor Employees. As part of each new Plan Sponsor Employee’s orientation, but no later than three (3) months following the start of his or her employment (or within 3 months of the date he or she becomes a Plan Sponsor Employee) or within such other time frame considered reasonable by the Privacy Official, the Privacy Official or his or her delegate will train new Plan Sponsor Employees on how to handle PHI in accordance with the Plan’s HIPAA Privacy Procedures and HIPAA.

iii. Additional Training. When material changes are made to one or more of the Plan’s HIPAA Privacy Procedures, all Plan Sponsor Employees whose functions are affected by the change must receive training on the new HIPAA Privacy Procedures within three (3) months after the material change has been made or within such other time frame considered reasonable by the Privacy Official. Additional training sessions may be conducted for specific employees who have responsibilities involving specific compliance issues. In addition, the Privacy Official or his or her delegate may direct specific employees to attend privacy training if he or she believes that such training is warranted.

iv. Content of Training. In privacy training, Plan Sponsor Employees will review the Plan’s HIPAA Privacy Procedures and will discuss any changes in these HIPAA Privacy Procedures. The training program will focus on federal laws and regulations governing the privacy, confidentiality, and security of the PHI, as well as any more stringent state laws and regulations.

v. The Privacy Official may provide educational awareness and training to others in addition to Workforce Members as appropriate (i.e., consultants, business associates, etc.).

***2. Documentation.***  The Privacy Official will ensure that documentation is maintained supporting Workforce Members’ educational awareness and training.

# DEFINITIONS

The following are definitions of key terms used in this Procedure. Any terms used in this Procedure, but not otherwise defined herein, shall have the meaning set forth in the HIPAA regulations, 45 CFR §§ 160.103, 164.103, 164.304, 164.402 and 164.501.

**Business Associate means**, with respect to a Covered Entity, a person or organization that:

1. Creates, receives, maintains, or transmits PHI for a function or activity on behalf of a Covered Entity other than in the capacity of a member of the Covered Entity’s Workforce; or

2. Provides, other than in the capacity of a member of the Covered Entity’s Workforce, legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for the Covered Entity, where the provision of the service involves the Disclosure of PHI from the Covered Entity, or from another Business Associate of the Covered Entity, to the person.

However, a person or organization is not a Business Associate if it is:

3. A health care provider (e.g., hospital medical staff), with respect to Disclosures by a Covered Entity to the health care providing concerning the treatment of an individual; or

4.. A plan sponsor with respect to Disclosures by a group health plan (or by a health insurance issuer or HMO with respect to a group health plan) to the plan sponsor, to the extent the requirements of 45 CFR § 164.504(f) of HIPAA apply and are met.

**Covered Entity means** (a) a health plan, (b) a healthcare clearinghouse, or (c) a health care provider who transmits any health information in an electronic form in connection with a transaction covered under 45 CFR Subtitle A, Subchapter C, Parts, 160, 162 and 164.

**HHS means** the U.S. Department of Health and Human Services.

**HIPAA means** the Privacy Standards of the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191), 42 U.S.C. § 1320d, et. seq., and the regulations issued thereunder, 45 CFR Parts 160 and 164, as amended from time to time.

**Individual** **means** the person who is the subject of PHI and who is also a participant or former participant in the Plan or a covered spouse, dependent or beneficiary under the Plan.

**Individually Identifiable Health Information means** information that is a subset of health information, including demographic information collected from an Individual, and that:

1. Is created or received by a health care provider, health plan, employer, or health care clearing house; and

2. Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an Individual; or the past, present, or future payment for the provision of health care to an Individual; and

3. Identifies the Individual or with respect to which there is a reasonable basis to believe the information can be used to identify the Individual.

**Plan means** the Trinity Health Corporation Welfare Benefit Plan (“Welfare Plan”) and the Trinity Health Corporation Retiree Benefit Plan (Grandfathered) (“Retiree Plan”), with respect to the benefit programs thereunder that constitute “health plans,” as defined in 45 CFR § 160.103. For the Welfare Plan, the benefit programs that constitute health plans are the medical/prescription drug, dental, vision, employee assistance, flexible healthcare spending account and healthcare reimbursement account program components of the Plan. For the Retiree Plan, the benefit programs that constitute health plans are the medical/prescription drug, dental, vision and healthcare reimbursement account program components of the Plan. The Welfare Plan and the Retiree Plan are each a Covered Entity. Whenever reference is made to the Plan’s action, the activities of the Plan Sponsor on behalf of the Plan shall be treated as the action of the Plan.

**Plan Sponsor** **means** the “plan sponsor” as defined in section 3(16)(B) of ERISA, 29 U.S.C. § 1002(16)(B) and means Trinity Health Corporation and, except where context indicates otherwise, employees and agents of Trinity Health Corporation and the other participating employers in the Plan who are responsible for Plan administration functions.

**Privacy Official means** the person designated by the Plan or Plan Sponsor to oversee and administer the Plan’s compliance with these Procedures and HIPAA.

**Protected Health Information or PHI means** Individually Identifiable Health Information that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium. PHI excludes Individually Identifiable Health Information: (a) in education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. 1232g; (b) in records described at 20 U.S.C. 1232g(a)(4)(B)(iv); (c) in employment records held by a the Plan Sponsor or a Covered Entity in its role as employer; and (d) regarding a person who has been deceased for more than 50 years.

**Workforce or Workforce Member** **means** employees and other persons whose conduct, in the performance of work for the Plan, is under the direct control of the Plan or Plan Sponsor or one of its affiliated entities on behalf of the Plan, whether or not they are paid by the Plan or Plan Sponsor or one of its affiliated entities. The Workforce Members are described in Section 2.a.i. of Human Resources Operating Procedure No. 122 (Minimum Necessary Use or Disclosure of

Protected Health Information).

**RELATED PROCEDURES AND OTHER MATERIALS**

* Human Resources Operating Procedure No. 120 (Use or Disclosure of Protected Health Information)
* Human Resources Operating Procedure No. 122 (Minimum Necessary Use or Disclosure of Protected Health Information)
* Enterprise Information Security Procedures
* Certification and Agreement of Compliance with Privacy Procedures

**APPROVALS**

**Initial Approval: 04/14/2003**

**Subsequent Review/Revisions: December 20, 2016**

**Trinity Health Corporation Welfare Benefit Plan and**

Trinity Health Corporation Retiree Benefit Plan (Grandfathered) (collectively, the “Plan”)

CERTIFICATION AND AGREEMENT OF COMPLIANCE WITH

PRIVACY POLICIES AND PROCEDURES

*I certify that:*

1. I have attended the education and training session regarding compliance with the Privacy Compliance Program of the Plan and the Plan’s sponsor, Trinity Health Corporation (“Plan Sponsor”), that detailed privacy policies including policies related to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”).

2. During the training session, I was instructed on the policies and procedures of the Plan and Plan Sponsor regarding the protected health information of individuals covered under the Plan. I had the opportunity to ask questions regarding the policies and procedures.

3. I agree specifically to act in accordance with the HIPAA policies and procedures of the Plan and Plan Sponsor made available to me.

Signature:

Print Name:

Position:

Date:

Duplicate Form to be maintained by:

Privacy Official

Personnel File/Human Resources