

Great Rivers Behavioral Health Administrative Services Organization

Policy Title: **Sanctions**

Policy No. **5030.00**

Category: Privacy & Security

Date Adopted: 1/10/2020

Date Revised:

Date Reviewed:

Reference: Washington Health Care Authority Contract with Great Rivers
Behavioral Health Administrative Services Organization

POLICY

- 1.1. Great Rivers Behavioral Health Administrative Services Organization (Great Rivers BH-ASO), in an effort to be compliant with the Security Rules of HIPAA's Administrative Simplification provisions, sets out, in this policy to fulfill the organization's duty to protect the confidentiality and integrity of protected health information as required by law and professional ethics.
- 1.2. Great Rivers BH-ASO requires its employees to protect the integrity and confidentiality of health and other sensitive information pertaining to individuals being served by Great Rivers BH-ASO. Violations of this policy constitute ground for disciplinary action up to and including termination, and criminal prosecution.
- 1.3. Any employee of Great Rivers BH-ASO who believes another employee of Great Rivers BH-ASO has breached the agency's security policy or the policies and standards promulgated to carry out the objectives of the Security Policy or otherwise breached the integrity or confidentiality of patient or other sensitive information will immediately report such breach to his or her supervisor and /or to the Privacy Officer.
- 1.4. Notification of Compromise or Potential Compromise. The compromise or potential compromise of DSHS shared data must be reported to the DSHS Contact designated on the contract within one (1) business day of discovery.

PROCEDURE:

- 2.1. The HIPAA Officer has primary responsibility for conducting a thorough and confidential investigation into the allegations. Great Rivers BH-ASO informs the complainant of the results of the investigation and any corrective action taken. Great Rivers BH-ASO does not retaliate against or permit reprisals against a complainant. Allegations not made in good faith, however, may result in discharge or other discipline.
- 2.2. As noted in the Great Rivers BH-ASO employee handbook, Great Rivers BH-ASO has a progressive discipline policy under which sanctions become more severe for repeated infractions. This policy, however, does not mandate the use of a lesser sanction before Great Rivers BH-ASO terminates an employee. In the discretion of management, Great Rivers BH-ASO may terminate an employee for the first breach of the agency's security policy or individual policies and standards if the seriousness of the offense warrants such action. An employee could expect to lose his or her job for:
 - 2.2.1. Willful or grossly negligent breach of confidentiality,
 - 2.2.2. Willful or grossly negligent destruction of computer equipment or data, or

- 2.2.3. Knowing or grossly negligent violation of HIPAA, its implementing regulations, or any other federal or state law protecting the integrity and confidentiality of patient information.
- 2.3. An employee may lose his or her job for a negligent breach of Great Rivers BH-ASO's standards for protecting the integrity and confidentiality of patient information. For less serious breaches, management may impose a lesser sanction, such as a verbal or written warning, verbal or written reprimand, loss of access, suspension without pay, demotion, or other sanction. In addition, Great Rivers BH-ASO seeks to include such violations by contractors as a ground for termination of the contract and/or imposition of contract penalties.
- 2.4. Violation of Great Rivers BH-ASO's security policy or individual policies and standards may constitute a criminal offense under HIPAA and other federal laws, such as the Federal Computer Fraud and Abuse Act of 1986, 18 U.S.C. 1030, or state laws. Any employee or contractor who violates such a criminal law may expect that Great Rivers BH-ASO will provide information concerning the violation to appropriate law enforcement personnel and will cooperate with any law enforcement investigation or prosecution.
- 2.5. Further, violations of Great Rivers BH-ASO's security policy or individual policies and standards may constitute violations of professional ethics and be grounds for professional discipline. Any individual subject to professional ethics guidelines and/or professional discipline should expect Great Rivers BH-ASO to report such violations to appropriate licensure/accreditation agencies and to cooperate with any professional investigation or disciplinary proceedings.
- 2.6. This Sanction Policy is intended as a guide for the efficient and professional performance of employees' duties to protect the integrity and confidentiality of health and other sensitive information. Nothing herein is to be construed to be a contract between the employer and the employee. Additionally, nothing in this Sanction Policy is to be construed by any employee as containing binding terms and conditions of employment. Nothing in this Sanction Policy is to be construed as conferring any employment rights on employees or changing their status from at-will employees. Great Rivers BH-ASO retains the absolute right to terminate any employee, at any time, with or without good cause. Management retains the right to change the contents of this Sanction Policy, as it deems necessary with or without notice.
- 2.7. Employees and agents of Great Rivers BH-ASO are expected to comply and cooperate with the organizations administration of this policy.

POLICY SIGNATURE

 Edna J. Fund, Chair
 Great Rivers BH-ASO Governing Board

 Date