

ADMINISTRATIVE PERSONNEL POLICIES AND PROCEDURES Policy No. 205: HIPAA PRIVACY

A. General Provisions

1. The City of Kettering (the “City”) sponsors one or more group plans that provide medical and dental benefits (the “Plan”). As a result of administering the Plan, the City may possess the protected health information (“PHI”) of beneficiaries of the Plan. Further, City departments may come into possession of PHI as a result of the services provided by the department (e.g. the Fire Department’s EMS services). PHI is defined as:

Information that is created or received by the City and/or the Plan and relates to the past, present or future physical or medical health or condition of a participant; or the past, present or future payment for the provisions of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. PHI includes information of persons living or deceased.

2. The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (the “HIPAA Statute”), and its related “Privacy Rule” (45 C.F.R. Part 164 Subparts A and E) and “Security Rule” (45 C.F.R. Part 164 Subpart C) and the Breach Notification Rules (45 C.F.R. Part 164 Subpart D) as well as any guidance issued by the federal Department of Health and Human Services (including, without limitation, the Office of Civil Rights) (collectively, the Privacy Rule, Security Rule and HIPAA Statute are, hereinafter, referred to as “HIPAA”), all as amended by the Health Information Technology for Economic and Clinical Health Act (the “HITECH Statute”) and any regulations promulgated thereunder (collectively, the “HITECH Rules,” and together with the HITECH Statute, referred to hereinafter simply as “HITECH”), as well as any other applicable federal or state laws concerning the privacy, security, integrity and availability of health information restrict the City’s and the Plan’s use and disclosure of PHI.
3. It is the City’s and the Plan’s policy to comply fully with all applicable HIPAA and HITECH requirements. To that end, all members of the City’s workforce who have access to PHI must comply with HIPAA and HITECH. Members of the City’s workforce are defined for this policy only as employees, volunteers, trainees and other individuals who work under the direct control of the City or under a City contract.
4. It is the City’s policy that no member of the City’s workforce will intimidate, threaten, coerce, discriminate against or take any retaliatory action against any individual for exercising their rights, filing a complaint, participating in an investigation or opposing any improper practice under HIPAA or HITECH. In addition, no one will, under any circumstances, be asked to waive their rights under HIPAA or HITECH.
5. Other City Departments (i.e. Fire, Police, Law) may formulate policies and procedures which do not conflict with this policy and are more comprehensive and detailed regarding department functions and compliance with HIPAA and HITECH .

The City Manager hereby delegates the appropriate responsibility and authority to administer this Policy to the City's Assistant City Managers and Department Directors.

Approved:

12/13/2022
Date

Mark Schwieterman
Mark Schwieterman
City Manager

Issued:

12.14.2022
Date

Jenny Smith
Jenny Smith
Human Resource Director