



PLUMAS COUNTY, CALIFORNIA

HIPAA RELATED POLICY AND PROCEDURES

EFFECTIVE APRIL 14, 2003

DISCLOSURES BY WHISTLEBLOWERS or WORKFORCE CRIME VICTIMS

Policy: Plumas County's policy is that a whistleblower or crime victim, who is a member of the county workforce, may disclose protected health information in good faith in the limited circumstances of disclosing illegality or crime to one of the entities listed in section 164.502(j) of the federal regulations known as the Privacy Rule.

Purpose: In general if a member of a covered entity's workforce makes an impermissible disclosure of protected health information, the Privacy Rule makes the covered entity liable for that disclosure. An exception exists as stated by the Policy set forth above.

Responsibilities: The County Privacy Officer and departmental privacy officers are responsible for informing the workforce of this policy and its consequences.

Process: Whistleblower:

A whistleblower may disclose protected health information in circumstances only which the employee, in good faith, believes that the covered entity employer has engaged in conduct which is unlawful or otherwise violates professional or clinical standards, or that the care, services or conditions provided by the employer could potentially endanger one or more patients, clients, workers or the public. Suspected violations by the County can be reported to the privacy officer.

The whistleblower's disclosure may only be made to:

- A health oversight agency or public health authority authorized by law to investigate or otherwise oversee the relevant conduct or conditions of the covered entity;
- An appropriate health care accreditation organization for the purpose of reporting the allegation of failure to meet professional standards or misconduct by the covered entity; and
- An attorney retained by or on behalf of the workforce member or business associate for the purpose of determining the legal options of the workforce member or business associate with regard to the covered entity's conduct.

Victims of Crime:

A member of the workforce who is the victim of a criminal act may disclose protected health information to a law enforcement official, provided that:

- The protected health information disclosed is about the suspected perpetrator of the criminal act; and
- The protected health information disclosed is limited to the information listed in 164.512(f)(2)(i).

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Last revision date: May 20, 2003

Reference: 45 CFR 164.502(j), 45 CFR 164.512(F)(2)(I) & (F)(5), and 45 CFR 164.530(e)