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**PROCEDURE TITLE: PROTECTION OF THE PRIVACY OF PROTECTED HEALTH INFORMATION**

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**POLICY SECTION: 0000 Governance****POLICY SUBSECTION: 0900 Protection of the Privacy of Protected Health Information****POLICY TITLE: Protection of the Privacy of Protected Health Information****POLICY STATEMENT**

Sunrise Community, Inc. and Affiliates, the "Organization," shall comply with the requirements of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), regulations under HIPAA, and any applicable state law that is more stringent than the HIPAA requirements. The Organization shall provide privacy practices for the protection of protected health information of individuals that comply with the standard, implementation specifications, and other requirements of the HIPAA security and privacy regulations at 45 CFR Part 160 and Part 164. By reference, a separate manual is established "Sunrise Community, Inc. and Affiliates Policies For The Protection Of The Privacy Of Protected Health Information."

**Summary:**

*A regulation promulgated by the U.S. Secretary of Health and Human Services creates national Standards (Privacy Rule) to protect individuals' medical records and other personal health information. Such regulation may be added to by individual states.*

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**Procedure****1.0 Purpose**

The purpose is to effectively protect the privacy of protected health information of individuals served, individuals seeking service and employees; to communicate the practices established for the protection of the privacy of protected health information to individuals served, their legally authorized representatives, employees, business associates with whom we contract for services and others, as appropriate; to provide for one point of contact within the Organization who shall serve as the resource for all actions related to compliance with state and federal requirements directed at the protection of protected health information; and, by reference of the policy, to establish a separate manual of "Sunrise Community, Inc. and Affiliates' Policies For Protection Of The Privacy Of Protected Health Information" (with copyright protection).

**2.0 Scope**

This procedure applies to all organizational components of Sunrise Community, Inc. and Affiliates.

**3.0 Definitions**

Definitions may be accessed in the document/manual entitled "Sunrise Community, Inc. and Affiliates' Policies For Protection Of The Privacy Of Protected Health Information"

**4.0 References and Responsibilities**

The President/CEO is responsible for ensuring this procedure meets the requirements of the regulations and program guidelines, and that it is followed.

## **5.0 Procedure**

5.1 The President/CEO directs the implementation of practices that protect the privacy of protected health information of individuals through the activities of an organizational Privacy Officer and causes to be developed through such Privacy Officer current policies and procedures that meet federal and state regulations and requirements in the protection of the privacy of protected health information of individuals.

5.2 The cover sheet and table of contents of the current "Sunrise Community, Inc. and Affiliates' Policies For Protection Of The Privacy Of Protected Health Information" are Attachment A of this policy and procedure and are referenced as defined parts of this policy and procedure.

5.3 The separate complete document/manual entitled "Sunrise Community, Inc. and Affiliates' Policies For Protection Of The Privacy Of Protected Health Information" is maintained in its most current form in the offices of the President/CEO, Chief Operating Officer, Vice Presidents, Regional Administrators, Executive Directors, Director of Human Resources, Director of Insurance and Risk Management, Privacy Officer designee and others as may be deemed appropriate by the President/CEO or his designee.

5.4 Reasonable steps are taken to limit the use or disclosure of, and requests for protected health information to the minimum necessary to accomplish the intended purpose of the federal and state regulations and requirements.

5.5 Protection of protected health information of individuals applies to individually identifiable health information in all forms to include electronic, written, oral, and any other.

5.6 Individuals served, their legal representative, and employees are provided with the Organization's Notice of Privacy Practices for review. Documentation of review, understanding and approval is made on the Notice of Privacy Practices (Forms 084 and 085) and is filed as appropriate in the individual's or employee's record. Form 086, Good Faith Effort to Obtain Written Acknowledgment, may be used when contact with a legally authorized representative has not been successful. Form 086 is also filed in the appropriate record.

5.7 Business associates with whom the Organization contracts or otherwise interacts in the delivery of supports and assistance to individuals served and/or employees document in an addendum added to their contracts that they satisfactorily assure the contracting organization that they adhere to protections of the privacy of protected health information as described in both current federal and state law; and that they will take reasonable steps to insure the privacy of individuals' protected health information.

5.8 Employees of the Organization are trained as to the reasonable steps they must take in the protection of privacy of protected health information, the Organization's

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prescribed directive as to their workforce designation with regard to access to individuals' protected health information and the location of the policies and procedures detailing the Organization's protection of the privacy of protected health information. Training is documented and retained in the manner prescribed for employee training and for the duration prescribed in "Sunrise Community, Inc. and Affiliates' Policies For Protection Of The Privacy Of Protected Health Information".

5.9 Employees who are determined to have breached the policies and procedures enacted by Sunrise Community, Inc. and Affiliates as to the protection of the privacy of protected health information are subject to disciplinary action as prescribed in the Organization's policies and procedures regarding disciplinary action.

5.10 Business Associates who are determined to have breached the policies and procedures enacted by Sunrise Community, Inc. and Affiliates or who otherwise breach their obligations as defined in the addendum to their contract as to the protection of the privacy of protected health information are subject to the penalties as specifically described in the contract addendum.

5.11 The Organization cooperates with the U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) or other formally identified state entity in efforts to investigate complaints or otherwise insure compliance with required rules and regulations enacted to protect the privacy of protected health information.

5.12 Government run health plans such as Medicare and Medicaid are required to meet the required rules and regulations to protect the privacy of protected health information of individuals and must also meet the requirements of the Privacy Act of 1974 which restricts what information about individual citizens – including any personal health information – can be shared with other agencies and the public.

### **Flowchart, Records and Forms**

Attachment A: Table of contents for the manual entitled Sunrise Community, Inc. and Affiliates' Policies for Protection of the Privacy of Protected Health Information

The following forms are used to meet a number of requirements of the Privacy Rule, are not attached to this procedure, but may be found in the Form Subdirectory through Citrix.

Form 084: Notice of Privacy Practices (for employees)

Form 085: Notice of Privacy Practices (for consumers)

Form 086: Documentation of Good Faith Efforts to Obtain Written Acknowledgment

Form 087: Addendum to Professional Services Agreement

Form 088: Addendum to Business Associate Contract

Form 089: Business Associate Contract (other than Professional Services)

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Form 152: Authorization for Use or Disclosure of Protected Health Information

Form 154: Agreement to Receive Notice of Privacy Practices by Email

Form 155: Written Accounting of Disclosures of Individual's Protected Health Information

Form 156: Notice to Individual of Subpoena

Form 157: Partial Denial of Individual's Access to Individual's Protected Health Information for Reviewable Reasons

Form 158: Denial of Request to Amend Protected Health Information

Form 159: Notice of Delay in Acting on Request for Access

Form 160: Notification of Individual of XYZ's Delay in Acting on Request to Amend

Form 161: Continuing Documentation of Disclosures of Individual's Protected Health Information

Form 162: Acceptance of Request to Amend Protected Health Information

Form 163: Partial Denial of Individual's Access to Protected Health Information for Nonreviewable Reasons

Form 164: Response to Attorney Concerning Subpoena

Form 166: Advising Individual Where to Request the Individual's Protected Health Information

Form 167: Data Use Agreement

**Procedure History**Adopted: 07 Apr 03  
(Original date)Effective Date: 07 Apr 03Responsible entity: Office of the President/CEO

## Revisions and Reviews:

Date	Purpose (revision or review)	Synopsis of the most recent revision

**Key words/terms:** Privacy, protection of certain health information

Attachment A

**POLICIES FOR PROTECTION OF THE PRIVACY  
OF  
PROTECTED HEALTH INFORMATION**

**TABLE OF CONTENTS**

[See the manual]