

**DICKINSON PUBLIC SCHOOL DISTRICT #1
HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)
OF 1996
ADMINISTRATIVE REGULATION**

The Dickinson Public School District #1 will comply with the Privacy Regulations of the Health Insurance Portability and Accountability Act (HIPAA) of 1996. The District shall limit the use of and access to Protected Health Information (PHI), which is held by the District, or its lawful agents. Protected Health Information (PHI) is any written, oral, or electronic form of information relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical and physical safeguards established to limit use and access to protected health information are stated as an integral part of this regulation. They are established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the Dickinson Public School District #1. Protected Health Information (PHI) will be shared in accordance with HIPAA on a "need-to-know-only" basis by authorized staff. The most critical examples of this would include the Human Resources and Business Management Department staff due to employee leave information and self-funded health insurance claim reports.

To assure this commitment to compliance, the School Board shall designate a Privacy Officer who shall have the responsibility to:

1. Keep the District informed of all changes, updates, requirements, responsibilities, claims, etc. concerning the HIPAA privacy regulations.
2. Maintain documentation of the District's efforts to comply with HIPAA privacy regulations.
3. Ensure that plan subscribers are sent privacy notices and new enrollees receive said notices (note: this HIPAA regulation will also serve as the privacy notice).
4. Track any Protected Health Information (PHI) disclosures.
5. Process authorizations for disclosure and use of Protected Health Insurance (PHI).
6. Serve as the District's liaison with the group self-funded health insurance program third party administrator, relevant business associates and health insurance carriers communicating the District's commitment and securing the commitment of these entities to the privacy and security of Protected Health Information (PHI).

The Privacy Officer will receive the total support of the District. The Privacy Officer of the District is covered under the district's liability insurance in the legal performance of his/her duties and has access to the district's legal counsel in the same regard.

In accordance with HIPAA, only the District Privacy Officer (or designated other staff) may be given access to Protected Health Information (PHI) in order to legally perform the duties and administer the District's self-funded health insurance programs. This would include, but not be limited to, other Protected Health Information (PHI) such as sick leave banks requests, leave applications and other personnel related information.

The Dickinson Public School District #1 will communicate its commitment to HIPAA Privacy Regulations through:

1. Attachment of this document as an administrative regulation to Board policy DI Personnel Records.
2. Distribution of this regulation and training of all employees concerning the
3. definition, security and authorization of Protected Health Information (PHI) on an annual basis.
4. Distribution of the privacy notices to all subscribers in the self-funded health insurance group (note: this HIPAA regulation will also serve as the privacy notice).
5. Including the regulation reference in the Professional Negotiated Agreement and the Classified Employee Salary and Benefit Package.

As an employer, the Dickinson Public School District #1 may use Protected Health Information (PHI) in its possession without specific authorization from the employee for self-funded health insurance claims, quality assessment, medical review and auditing and studies to improve the group's health care quality or reduce health care costs. In addition, Protected Health Information (PHI) may be shared when required by law for public health, civil/criminal proceedings, abuse or neglect, or food and drug administration purposes. Information which is normally maintained in the employment record that may contain Protected Health Information (PHI) will be physically "clipped" or marked for removal in the event of an employee record review. Other Protected Health Information (PHI), including but not limited to self-funded health insurance claims records, will be maintained in a locked or sealed location. Only the Privacy Officer or his/her designee will have access to this Protected Health Information (PHI).

Protected Health Information (PHI) may be released for other purposes by the authorization of the employee submitting a HIPAA Release of Information Form to the Privacy Officer. The use and/or disclosure of Protected Health Information (PHI) is limited to the specific information for the specific purpose as indicated by said form. Employees are allowed to review their Protected Health Information (PHI) that is held by the District and to make corrections to errors. Upon request, an employee will be provided with an accounting of disclosures of Protected Health Information (PHI).

Employees that believe they have been aggrieved by the use or disclosure of Protected Health Insurance (PHI) may file a grievance in accordance with the District's grievance procedure. The grievance procedure is published in the Professional Negotiated Agreement and the Classified Employee Salary and Benefit Package.

End of Dickinson School District #1 Administrative Regulation DI-AR2