

**Polk County Wisconsin  
CLIENT/EMPLOYEE PRIVACY RIGHTS**

**Policy 601.A**

**Effective Date: April 15, 2003**

**Current Revision Date:**

**Purpose**

The purpose of this document is to outline and educate Polk County employees about the policies and procedures needed to comply with the client/employee privacy rights enacted under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). More detailed documents discussing our policies and procedures for each of these rights are available to all employees.

**Policy**

It is the policy of Polk County to implement the following policies and procedures that will ensure client/employee privacy rights in accordance with the Privacy Regulations promulgated under HIPAA:

1. **Availability of Polk County's privacy notice.** The client/employee has the right to receive our privacy notice in a timely manner. Upon request, the client/employee may at any time receive a paper copy of our privacy notice, even if he or she earlier agreed to receive the notice electronically. We must also post our privacy notice in a prominent location.
2. **Requesting restrictions on certain uses and disclosures.** The client/employee has the right to object to, and ask for restrictions on, how his or her health information is used or to whom the information is disclosed, even if the restriction affects the client/employee's treatment or our payment or health care operation activities. The client/employee may want to limit the health information that is included in client/employee directories, or provided to family or friends involved in his or her care or payment of medical bills. The client/employee may also want to limit the health information provided to authorities involved with disaster relief efforts. However, we are not required to agree in all circumstances to the client/employee's requested restriction.
3. **Providers receiving confidential communication of health information.** The client/employee has the right to ask that we communicate his or her health information to them in different ways or places. For example, the client/employee may wish to receive information about their health status in a special, private room or through a written letter sent to a private address. We must accommodate requests that are reasonable in terms of administrative burden. We may not require the client/employee to give a reason for the request.
4. **Provider's Access, inspection and copying of health information.** With a few exceptions, client/employees have the right to inspect and obtain a copy of their health information. However, this right does not apply to psychotherapy notes or information gathered for judicial proceedings, for example. In addition, we may charge the client/employee a reasonable fee for copies of their health information.
5. **Requesting amendments or corrections to health information.** If the client/employee believes their health information is incomplete or incorrect, they may ask us to correct the information. The client/employee may be asked to make such requests in writing and to give a reason as to why his or her health information should be changed. However, if we did not create the health information that the

client/employee believes is incorrect, or if we disagree with the client/employee and believe his or her health information is correct, we may deny the request. We must act on the request within 60 days after we receive it, unless we inform the client/employee of our need for a one-time 30-day extension.

6. **Receiving an accounting of disclosures of health information.** In some limited instances, the client/employee has the right to ask for a list of the disclosures of their health information that we have made during the previous six years, but the request cannot include dates before April 14, 2003. This list must include the date of each disclosure, who received the disclosed health information, a brief description of the health information disclosed, and why the disclosure was made. We must furnish the client/employee with a list within 60 days of the request, unless we inform the client/employee of our need for a one-time 30-day extension, and we may not charge the client/employee for the list, unless the client/employee requests such list more than once in a 12-month period. In addition, we will not include in the list disclosures made to the client/employee, or for purposes of treatment, payment, health care operations, our directory, national security, law enforcement/corrections, and certain health oversight activities.
7. **Complaints.** Client/employees have the right to file a complaint with us and with the federal Department of Health and Human Services if they believe their privacy rights have been violated. We will not retaliate against the client/employee for filing such a complaint. To file a complaint with either entity, the client/employee should contact the Human Resources Manager, who will provide the client/employee with the necessary assistance and paperwork.

## **Procedures**

1. Should the law regarding client/employee privacy rights under HIPAA change, we will update Polk County's policies and procedures regarding those rights, if applicable.
2. All new staff of Polk County shall receive a copy of this document at employee orientation and be directed at orientation as to how to access more detailed privacy policy and procedure documents.
3. All current staff of Polk County shall receive a copy of this document as part of our HIPAA compliance training session, and upon request.

**Preemption Issues** Confidential communications: Sections 49.498(3)(a), 51.61(cm)(1), and 51.61(p) Wis. Stats; and Section 132.21(1)(a) of the Wisconsin Administrative Code.

Access, inspection and copying: HFS 61, 92, 94, 124, 132, 133, 134; Sections 146.81-83, and 51.30 Wis. Stats; 42CFR483.10(j), and 29CFR2560.503-1.

Amendment: Section 51.30 (4)(f) Wis. Stats.

Complaints: Sections 51.61 and 631.28(1) Wis. Stats.

### Disclaimer

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