

HEALTH INFORMATION EXCHANGE POLICIES

Policy: Complaints

Number: 19

Applicability: Viewer, Provider, Receiver, Exchanger

Effective: 9/23/2013

Policy:

Jersey Health Connect provides a mechanism for Patients, Participants and/or Authorized Users to report violations of these HIE Policies, address issues concerning data sharing practices, and violations of HIPAA, HITECH or other federal and/or state laws.

Procedure:

1) Complaints

- a) Jersey Health Connect, its Participants and/or Authorized Users shall accept Complaints from Patients and/or their family members concerning practices related to Jersey Health Connect and violations of rights or other obligations of HIPAA, HITECH or other federal and/or state laws.
- b) Jersey Health Connect shall accept Complaints from Patients and/or their family members, Participants, and Authorized Users regarding a particular Authorized User or Participant of Jersey Health Connect.
- c) This Complaint Policy and relevant procedures shall be distributed through education materials and online resources. Participants shall ensure all Authorized Users are properly trained to respond to Complaints from the individuals designated above.
- d) Patient Complaints regarding Jersey Health Connect received by a Participant and/or Authorized User shall promptly be forwarded to Jersey Health Connect for handling and investigation.
- e) Complaints received by Jersey Health Connect shall be addressed by the Jersey Health Connect or forwarded to the appropriate designated individuals, including the Jersey Health Connect Board or a Participant, for handling and investigation.
- f) Complaints may be submitted by telephone, in person, by e-mail or in writing. Where submitted by e-mail or writing, the Complaint should be submitted using the Jersey Health Connect Complaint Form, or a substantially similar form.
- g) Neither Jersey Health Connect nor any Participant may retaliate, discriminate against, intimidate, coerce, or otherwise reprise any Patient, Participant and/or Authorized User who in good faith has filed a Complaint Pursuant to this Policy.

h) A Patient, Participant and/or Authorized User utilizing this Complaint Policy does not limit or waive his or her rights to file a HIPAA complaint against any particular Health Care Provider's privacy practices, as permitted by HIPAA and such Health Care Providers Notice of Privacy Practices.

i) Presentation of a Complaint shall in no way compromise a Patient's continued or future access to care.

2) Confidentiality & Anonymity

a) All Patient PHI/Data included in or obtained as a result of the Complaint shall be used and disclosed only as may be permitted by HIPAA, HITECH and state law.

b) Complaints may be submitted to Jersey Health Connect anonymously. The individual reporting the Complaint shall be advised that Jersey Health Connect, the Participant and/or Authorized User shall take reasonable efforts to ensure that no identifying information is included or submitted with such Complaint that could be used to identify the individual.

3) Complaint Log

a) Jersey Health Connect shall maintain copies of Complaints received and all documentation and action taken as a result of such Complaints in a Complaint Log.

b) For privacy and security incidents, the Complaint Log shall include at a minimum:

i) A file identification number;

ii) The date upon which the Complaint was received;

iii) The identity of the caller/author, if possible;

iv) A description of the incident and any parties involved;

v) Identification of the person(s) primarily responsible for investigation of the incident;

vi) Periodic updates; and

vii) The date the matter was resolved along with any action and disciplinary measures implemented.

4) Nature of Complaint

a) For incidents that would qualify as a Security Incident or Breach under the JHC Security Incidents & Breaches Policy, Jersey Health Connect or shall take action in accordance with such policy.

b) Complaints submitted to Jersey Health Connect are NOT considered a part of a Patient's Designated Record Set, or a part of an individual's employment records. Therefore, any investigative findings may not be entered

into the Patient's medical record nor are the investigative findings subject to Patient rights under HIPAA to obtain copies of their PHI.

c) Complaints submitted to Jersey Health Connect that include concerns or issues relating to the actions of an employee, agent or business associate of a Participant are subject to the following JHC Policies:

d) The Enforcement & Sanction Policy, if the Complaint includes information that suggests violations of JHC Policies, provisions of the Participation Agreement, or other affirmative obligations a Participant or Authorized User may have as a result of its relationship with Jersey Health Connect;

e) Individual Internal Policies, if the Complaint includes information that may require action or response by the respective employer (e.g., a Participant) in accordance with its own internal employment practices and policies.

5) Complaints Concerning PHRs.

a) Complaints submitted to Jersey Health Connect or to Participants concerning issues or concerns relating to a Patient's PHR shall be directed to the PHR Vendor. Participants shall provide Patient's with the PHR Vendor's Complaint resolution information, including designated personnel, addresses, phone numbers or emails.

b) Complaints related to disclosures of PHI made by Jersey Health Connect or a Participant to a Patient PHR without authorization or otherwise alleged to have been improper shall be submitted to Jersey Health Connect or the Participant and dealt with in accordance with this Policy.

Revision History:

3/12/2012 New Policy

9/13/2013 Revised Effective 9/23/2013

JERSEY HEALTH CONNECT - COMPLAINT FORM

Date: ____/____/____

Submitted to (*check one*):

- Jersey Health Connect
- Participating Provider (*name of physician group or hospital*):
- Anonymously (*see instructions below*)

Please briefly describe your complaint:

Instructions for Submitting this Complaint:

- Neither Jersey Health Connect nor any Participating Health Care Provider may retaliate, discriminate against, intimidate, coerce, or otherwise punish you in any way if you choose to file this Complaint.
- This form may be submitted either anonymously, or with your personal information included.
- If you wish to maintain true anonymity with regard to your Complaint, Do NOT include your name, or any other personally identifiable information anywhere on this form.

1. *Complaints to Jersey Health Connect and Anonymous Submissions* may be submitted as follows:

U.S Mail to: Privacy & Security Officer, Jersey Health Connect, PO Box 9598,

2. *Complaints to a Participating Health Care Provider* may be submitted in person, or per instructions as included in such Health Care Provider's HIPAA Notice of Privacy Practice.