Policy:

- The Division will implement policies and procedures with respect to protected health information that are designed to comply with the standards, implementation specifications, or other requirements of the HIPAA regulations.

- The Division will maintain documentation in written or electronic form for a period of at least six years from the date of creation or the date when last in effect, whichever is later. This includes policies, procedures, communications, and any actions or activities, which, by law, are required to be documented.

- The Division will incorporate any changes in law into its policies, procedures and other documents.

- The Division will properly document and implement any changes to policies and procedures as necessitated by changes in the law.

Purpose: As required by the Health Insurance Portability and Accountability Act (HIPAA) of 1996, Administrative Simplification Privacy Regulations, the Division will develop and maintain policies, procedures and other documents required to comply with the HIPAA regulations.

Procedures:

I. The Division will revise or develop and implement policies, procedures, and other documents required by the HIPAA regulations.

II. As laws, rules, and regulations (federal or state) are revised that affect the Division's privacy policies, procedures or other documents, the Division will revise said documents in a timely manner. The Division must ensure revised Division privacy policies, procedures, or other documents comply with the HIPAA regulations.

   A. If the new or revised law, rule, or regulation necessitates a revision to the Division's Notice of Privacy Practices, the Division will:

      1. Ensure that the policy or procedure is revised to reflect a change in the Division's privacy practice, and the notice complies with the standards, requirements, and implementation specifications of the HIPAA regulations;

      2. Document the policy or procedure as revised;

      3. Make the revised Notice available to the Division consumers; and

4. Do not implement a change in policy or procedure prior to the effective date of the revised Notice.

B. When revised Division policies or procedures **DO NOT** affect the content of the Notice of Privacy Practices, the Division will implement the revised policies or procedures in accordance with the implementation guidance contained in the new or revised law, rule, or regulation.

III. The Division will maintain the following documentation in an organized manner:

A. Policies and procedures related to the use or disclosure of protected health information;

B. Forms for the authorization to use or disclose protected health information;

C. Requests for the use or disclosure of protected health information;

D. Agreements with business associates referring to the use or disclosure of protected health information; and

E. Notice of Privacy Practices and any changes made thereto.

IV. The Division will maintain an individual's documents in a manner that allows necessary availability, while also ensuring the security of information.

V. The Division will retain policies, procedures, and notices and forms for six years from the date of creation or the date when last in effect, whichever is later.

VI. Each Division agency shall develop specific written procedures to implement the provisions of this policy or shall incorporate this policy into their agency policies.

Administrator

Effective Date: 4/15/03
Date Revised: 4/15/03; 5/31/07
Date Approved by MHDS Commission: