

UTAH STATE DEVELOPMENTAL CENTER POLICY AND PROCEDURE MANUAL		
HIPAA ADMINISTRATION REQUIREMENTS		PAGE 1 OF 2
DIRECTIVE: 70.01	EFFECTIVE DATE: April 14, 2003	REVISION DATE: 9/20/2010
REVIEWING ENTITY: HIPAA COMMITTEE		
PURPOSE: The Utah State Developmental Center (“USDC”) will designate a privacy officer, to develop and document its privacy policies and procedures, and provide training to the members of the USDC workforce.		
AUTHORITY REFERENCE: HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT OF 1996, 45 C.F.R. § 164.530 and Health Information Technology for Economic for Clinical Health Act (HITECH). See American Recovery and Reinvestment Act of 2009, §13400 (P.L. 111-115); 45 CFR § Parts 160, 162, 164 and 45 CFR §§ 164.400-164.414, and § 530.		

Policy:

1. Privacy Officer

- a. USDC will designate a privacy officer who is responsible for:
 - i. Developing and implementing the USDC privacy policies and procedures;
 - ii. Receiving, documenting, tracking, and investigating all complaints regarding the privacy policies, procedures, and suspected breaches of PHI;
 - A. The privacy officer will maintain a breach log.
 - B. The privacy officer will ensure notification and reporting requirements for breaches are completed.
 - iii. Providing further information about matters covered by the Notice of Privacy Practices;
 - iv. Providing training on the privacy policies to all members of the USDC workforce (employees, volunteers, interns, and others under the direction of USDC);
 - v. Establishing and maintaining a system to account for disclosures of protected health information;
 - vi. Developing and maintaining the designated record set; and
 - vii. Initiating, facilitating and promoting activities to foster awareness of the USDC privacy policies and procedures.
- b. USDC will document the designation of the privacy officer in accordance with the Documentation Requirements, Subsection 5, of this policy.

2. Changes to Policies and Procedures.

- a. USDC will change its policies and procedures when necessary to comply with changes in state and federal law.
- b. If a change in law materially affects the contents of the Notice of Privacy Practices, USDC must comply with the change in law whenever it becomes effective.
- c. USDC may make changes to policies and procedures not reflected in the Notice of Privacy Practices at any time, provided that both of the following conditions are met:
 - i. The changes comply with the HIPAA Privacy Rule; and
 - ii. Before the effective date of the change, the changes are documented in accordance with the Documentation Requirements, Subsection 5, of this policy.

3. **Changes to Notice of Privacy Practices**

- a. USDC will promptly revise and distribute the Notice of Privacy Practices whenever there is a change in the pertinent regulations regarding “uses and disclosures”, “individual rights”, legal duties of covered entities, or other privacy practices. USDC may not implement the changes prior to the effective date of the revised Notice.

4. **Training the Workforce**

- a. USDC will provide training on the privacy policies and procedures to:
 - i. Each new member of the workforce, within a reasonable period of time after the person joins the workforce;
 - ii. Each member of the workforce, whose functions are affected by a material change in the privacy policies and procedures, within a reasonable period of time after the change becomes effective;
 - iii. USDC will document that training has been provided in accordance with the Documentation Requirements, subsection 5, of this policy.

5. **Documentation Requirements**

- a. USDC will maintain its privacy policies and procedures in written form.
- b. If the privacy policies and procedures require a communication to be in writing, USDC must maintain a written or electronic copy as documentation.
- c. If the privacy policies and procedures require an action, activity, or designation to be documented, USDC will maintain a written record of the action, activity, or designation.
- d. USDC will retain any documentation that is required by the HIPAA Privacy Rule for six years from the date it was created, or from the date it was last in effect, whichever is later.
- e. All documentation that is required by the privacy policies and procedures will be on paper or in electronic form.

Karen A. Clarke, Superintendent

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