

(was Administrative Policy 9-10-0)

Chapter: **DIRECTLY-OPERATED PROGRAM MANAGEMENT**
Title: **EPHI SECURITY**

Prior Approval Date: 09/09/10
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Approved by: BOARD ACTION


Executive Director


Date

I. Abstract

This policy establishes the standards and procedures of the Macomb County Community Mental Health (MCCMH) Board for compliance with the Security Rules of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) by ensuring that members of its workforce have appropriate access to EPHI, and to prevent access to EPHI for staff members for whom access is not appropriate.

II. Application

This policy shall apply to all MCCMH Staff.

III. Policy

It is the policy of the MCCMH Board that MCCMH Staff shall be granted only such access to EPHI as is necessary for the performance of their role and function in the organization.

IV. Definitions

A. EPHI: Electronic Protected Health Information (EPHI) Individually identifiable health information transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium. EPHI is defined within HIPAA legislation within paragraphs (1)(i) or (1)(ii) of the definition of PHI. MCCMH EPHI is primarily stored in FOCUS.

- B. FOCUS: The electronic medical record system and billing platform utilized by MCCMH.
- C. FOCUS Supervisor: The individual listed in FOCUS under the User Record as the relevant MCCMH Staff's supervisor.
- D. MCCMH Staff: MCCMH administrative and management staff, as well as any MCCMH employees, volunteers, trainees, and/or other persons whose conduct, in the performance of work for MCCMH, is under the direct control of MCCMH, including but not limited to, administrative and directly-operated network provider employees, independent contractors, and volunteers.
- E. Particularly Sensitive EPHI: EPHI which, due to special or unique circumstances, requires the application of exceptional measures to protect from unauthorized access, including access that is beyond that which is "minimally necessary," or unauthorized disclosure. Particularly Sensitive EPHI includes, but is not limited to, EPHI in the record of consumers who are family members or personal friends of MCCMH Staff, consumers who may be involved in legal proceedings, or consumers whose health status could be newsworthy.

V. Standards

- A. The MCCMH Information Systems Administrator shall develop and implement procedures to ensure that only MCCMH Staff with a need to access EPHI are granted access to EPHI.
- B. MCCMH shall implement access to EPHI for all MCCMH Staff pursuant to the Table in Exhibit A.
- C. MCCMH Staff access to EPHI via FOCUS is governed by MCCMH MCO Policy No. 10-442, "Focus Access Management".
- D. The MCCMH Information Systems Administrator shall develop and implement procedures to ensure that Particularly Sensitive EPHI is electronically sequestered or otherwise protected from unauthorized access or disclosure, as appropriate and as approved by the Compliance Officer.
- E. MCCMH Management and Supervisory staff shall ensure that all workforce members who work with EPHI are supervised so that unauthorized access to EPHI is avoided.

VI. Procedures

- A. Any MCCMH Staff who believes or suspects that a consumer's record contains Particularly Sensitive EPHI shall immediately inform their FOCUS Supervisor, as well as the Compliance Officer.

- B. The Compliance Officer will review and evaluate the circumstances surrounding any suspected Particularly Sensitive EPHI, and coordinate with the MCCMH Information systems Manager and other appropriate MCCMH Staff and/or vendors to take action to maintain HIPAA compliance, and generally preserve the confidentiality of the relevant records. Such action may include electronic sequestration, as appropriate to limit access via FOCUS to select designated MCCMH Staff.

VII. References / Legal Authority

- A. Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191
- B. 45 CFR §§164.308(a)(3)
- C. MCCMH MCO Policy No. 10-442, "Focus Access Management"

VIII. Exhibits

- A. MCCMH Role-Based Access to Protected Health Information Matrix