

**EMPLOYEE HEALTH INFORMATION PRIVACY**

The College will protect the privacy of individually identifiable employee health information and records in accordance with applicable state and Federal regulations.

**A. The College President will ensure that procedures are implemented which will**

- (1) identify the location and extent of individually identifiable employee health information controlled by the College;
- (2) designate a “privacy officer” to oversee the development and implementation of this policy and compliance with federal regulations;
- (3) train employees to protect the privacy of individually identifiable employee medical information and records;
- (4) review agreements with third party health care providers to ensure that they are in compliance with HIPAA regulations;
- (5) ensure the privacy of any electronically transmitted protected health information.

**B. Definition of “protected health information”**

- (1) Medical information which specifically identifies or which can be used to identify specific individuals is protected.
- (2) Protected health information may be oral or written information received about employees during the course of their employment with the College
- (3) Medical information which is protected may relate to the employee or the employee’s family members.
- (4) Categories of protected health information:
  - (a) Employment Record Information: Medical information obtained when operating in the capacity of an Employer

1. Medical information needed to carry out the College's obligations under state and federal laws such as OFLA, FMLA, and the ADA. This type of information is generally not subject to HIPAA regulations.
2. Examples of this type of information: Medical files/records such as those related to occupational injury, disability insurance eligibility, sick leave requests and justifications, drug screening results, fitness-for-duty tests, etc.

(b) Group Health Plan Information

1. Health information created, received, and maintained when operating in an organization's group health plan capacity.
2. Examples of this type of health information are medical information collected by a third party plan administrator or insurance provider.
3. Medical information under the control of a group health plan that is released to an employer is subject to HIPAA regulations.

**C. Maintenance and Disclosure of Protected Health Information**

- (1) The College will ensure that employee protected health information is maintained in secure locations and will be accessed only by authorized employees. As much as possible, written employee health information will be centrally located in the Human Resources Office.
- (2) Employee protected health information will be maintained separately from the employee's personnel file.
- (3) Employee protected health information may be released to College administrators and those currently supervising the employee when there is a business related reason for access to this information as determined by the privacy officer. Additionally, information will be disclosed by the College if the law allows or requires such disclosure. All other distribution of employee protected health information will be with the written consent of the employee.
- (4) Procedures related to the disclosure of protected health information will specify employees authorized to receive such information and the location where this information is maintained. A copy of this inventory will be made available to all employees.

**D. Employee Rights**

- (1) The College will prepare and make available a notice that informs employees about (a) uses and disclosures of protected health information that may be made by the College; (b) employee rights; and (c) the College's obligations with respect to protected health information.

- (2) Employees have the right to receive an accounting of College disclosures of *their own* protected health information upon *written* request.
- (3) Employees have the right to inspect and receive copies of any of *their own* protected health information maintained by the College *upon written request*.

**E. Complaint Resolution**

- (1) Employees may file a written or oral complaint alleging that the College or its employees have failed to comply with this policy or HIPAA regulations. Such complaints will be filed with the College's privacy officer. Written complaints must be filed on the College's complaint form.
- (2) Employees may request that College maintained protected health information be amended. If such a request is denied, the employee may submit a written statement disagreeing with the determination. The statement will be attached to the protected health information.

- F. Employee Discipline:** Employees who disclose protected health information without authorization and in violation of this policy and/or HIPAA privacy regulations may be subject to disciplinary action up to and including termination.

END OF POLICY

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Legal References:

Health Insurance Portability and Accountability Act, 1996  
DHHS, December 2000, regulations for implementation of the "Standards for Privacy of Individually Identifiable Health Information."  
Family Medical Leave Act, 1993  
Oregon Family Leave Act  
Americans with Disabilities Act