

MANUAL OF POLICY

POLICY NUMBER: II-81A **PAGE** 1 of 2

POLICY TITLE: Health Insurance Portability and Accountability Act of 1996–
Compliance

LEGAL AUTHORITY: 45 C.F.R. § 164.530 (g), (h), and (k)
FLORIDA STATUTES (F.S.) 1001.64 AND 1001.65

DATE OF LAST REVIEW: 9/29/2005, 6/19/2007 and 7/21/2009

DATE OF BOARD ACTION: 9/16/2003, 9/29/2005 and 7/21/2009

Miami Dade College is strongly committed to ensuring that the fully insured health insurance products it offers through commercial insurers and group insurance policies (hereinafter “Health Plan”) 1 complies with the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations (“HIPAA”). Miami Dade College does not access, use or disclose protected health information (as defined at 45 C.F.R. § 164.501)2 with respect to the Health Plan. Therefore, the following policy is intended to establish a framework for compliance with HIPAA in accordance with 45 C.F.R § 164.530 (g), (h), and (k) regarding Free Exercise of Privacy Rights:

- A. Miami Dade College’s Health Plan does not and shall not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against:
1. Any individual for the exercise by the individual of any right under, or for participation in, any process established by federal or state law or regulation, or Health Plan policies, including the filing of a complaint;
 2. Any individual or other person for:
 - a) Filing of a complaint with the Secretary of Health and Human Services in accordance with federal privacy regulations [45 C.F.R. Parts 160 and 164];
 - b) Testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing under Part C – Administrative Simplification, of Title XI of the Social Security Act; or
 - c) Opposing any act or practice made unlawful by federal privacy regulations promulgated under the authority of Part C, Title XI of the Social Security Act, provided the individual or person has a good faith belief that the practice opposed is unlawful, and the manner of the opposition is reasonable and does not involve a disclosure of protected health information in violation of those regulations.

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- B. No member of the Health Plan workforce shall require someone to waive the right to file a complaint with the Secretary of Health and Human Services, in accordance with federal privacy regulations [45 C.F.R. Parts 160 and 164], as a condition of the provision of treatment, payment, enrollment in an employee health benefit plan, and eligibility for benefits.

See College Procedure 2138: Health Insurance Portability and Accountability Act of 1996 - Compliance

	7/21/09
CHAIRMAN	DATE