

## HIPAA VIOLATION SANCTION POLICY

In the event, that you as an employee of Sioux County are responsible for a Violation of the County's Privacy Practices and/or violate the Health Insurance Portability and Accountability Act of 1996 (HIPAA) the following sanction guideline would apply:

### **DEFINITION OF OFFENSE:**

#### Class I offenses:

- (1) Accessing information that you do not need to know to do your job;
- (2) Sharing your computer access codes (user name & password);
- (3) Leaving your computer unattended while you are logged into a PHI program;
- (4) Sharing PHI with another employee without authorization;
- (5) Copying PHI without authorization;
- (6) Changing PHI without authorization;
- (7) Discussing confidential information in a public area or in an area where the public could overhear the conversation;
- (8) Discussing confidential information with an unauthorized person; or
- (9) Failure to cooperate with privacy officer.

#### Class II offenses:

- (1) Second offense of any class I offense (does not have to be the same offense);
- (2) Unauthorized use or disclosure of PHI;
- (3) Using another person's computer access codes (user name & password); or
- (4) Failure to comply with a resolution team resolution or recommendation.

#### Class III offenses:

- (1) Third offense of any class I offense (does not have to be the same offense);
- (2) Second offense of any class II offense (does not have to be the same offense);
- (3) Obtaining PHI under false pretenses; or
- (4) Using and/or disclosing PHI for commercial advantage, personal gain or malicious harm.

### **SANCTIONS:**

#### Class I offenses shall include, but are not limited to:

- (a) Verbal reprimand;
- (b) Written reprimand in employee's personnel file;
- (c) Retraining on HIPAA Awareness;
- (d) Retraining on County's Privacy Policy and how it impacts the said employee and said employee's department; or
- (e) Retraining on the proper use of internal forms and HIPAA required forms.

#### Class II offenses shall include, but are not limited to:

- (a) Written reprimand in employee's personnel file;
- (b) Retraining on HIPAA Awareness;
- (c) Retraining on County's Privacy Policy and how it impacts the said employee and said employee's department;
- (d) Retraining on the proper use of internal forms and HIPAA required forms; or
- (e) Suspension of employee (In reference to suspension period: minimum of one (1) day/ maximum of three (3) days).

#### Class III offenses shall include, but are not limited to:

- (a) Termination of employment;
- (b) Civil penalties as provided under HIPAA or other applicable Federal/State/Local law; or
- (c) Criminal penalties as provided under HIPAA or other applicable Federal/State/Local law.

**HIPAA VIOLATION SANCTION POLICY**  
**ACKNOWLEDGEMENT OF RECEIPT**

**Acknowledgment:**

I, the undersigned employee, hereby acknowledge receipt of a copy of the HIPAA Violation Sanction Policy for Sioux County.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
County Office