



Policy and Procedure: HIPAA/HITECH Compliance

Topic: *Sanctions*

HIPAA Regulation:

- *Sanction policy* §165.308(a)(1) required

Policy Purpose:

The purpose of this policy is to ensure that workforce members of **Saratoga Bridges** are informed of sanctions, penalties, and disciplinary actions that may be applied for non-compliance with **Saratoga Bridges** HIPAA Security Policies and Procedures.

Policy Description:

Workforce members are accountable for their actions in failing to comply with HIPAA Security Rule requirements, as defined in the **Saratoga Bridges** HIPAA Security Policies and Procedures.

Sanctions

Members of the **Saratoga Bridges** workforce who violate HIPAA Security Policies and Procedures regarding the safeguarding of electronic protected health information (EPHI) are subject to disciplinary action by **Saratoga Bridges** up to and including immediate dismissal from employment or service. For violations of these policies by non-employees, corrective action includes but is not limited to contract cancellation or termination of services.

Members of the **Saratoga Bridges** workforce who knowingly and willfully violate state or federal law for failure to safeguard EPHI are subject to criminal investigation, prosecution, and/or civil monetary penalties.

If **Saratoga Bridges** fails to enforce security safeguards, it may be subject to administrative penalties by the federal Department of Health and Human Services Office for Civil Rights, including federal funding penalties.

Reporting Violations

All workforce members shall notify their manager or supervisor, the Compliance Officer, or Security Officer, or Privacy Officer when there is a reasonable belief that any security policies or procedures are being violated.



Retaliation Prohibited

Neither **Saratoga Bridges** as an entity nor any member of **Saratoga Bridges** covered workforce shall intimidate, threaten, coerce, discriminate against, or take any other form of retaliatory action against any individual for:

1. Exercising any right established under the **Saratoga Bridges** HIPAA Security Policies and Procedures
2. Participating in any process established by **Saratoga Bridges** HIPAA Security policy including the filing of a complaint with **Saratoga Bridges** or with the federal Department of Health and Human Services Office for Civil Rights
3. Testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing relating to the policies and procedures

Any workforce member who engages in retaliation shall be subject to the sanctions under this policy.

Policy Responsibilities:

Workforce Member Responsibilities

1. All HIPAA covered workforce members shall comply with the **Saratoga Bridges** HIPAA Security Policies and Procedures.
2. All HIPAA covered workforce members shall notify their manager or supervisor, the Compliance Officer, or the Security Officer if they have a reasonable belief that any security policies or procedures are being violated.
3. All HIPAA covered workforce members are required to sign HIPAA Acknowledgement Form, certifying they have received training on the **Saratoga Bridges** HIPAA Privacy and Security Policies and Procedures, and will comply with the HIPAA Privacy and Security Policies and Procedures.