



**DEPARTMENT OF MENTAL HEALTH
POLICY/PROCEDURE**

SUBJECT REFRAINING FROM RETALIATORY OR INTIMIDATING ACTS AGAINST INDIVIDUALS THAT ASSERT RIGHTS UNDER HIPAA	POLICY NO. 501.05	EFFECTIVE DATE 04/14/2003	PAGE 1 of 2
APPROVED BY:  Director	SUPERSEDES 500.18 04/14/2003	ORIGINAL ISSUE DATE	DISTRIBUTION LEVEL(S) 1

PURPOSE

- 1.1 This document sets forth the policy of the Los Angeles County Department of Mental Health (DMH) that the Department will refrain from retaliatory or intimidating acts against individuals who make complaints or assert any other rights under the Privacy Standards of the Health Insurance Portability and Accountability Act of 1996, 45 CFR Parts 160 thru 164 (HIPAA).

POLICY

- 2.1 DMH will not intimidate, threaten, coerce, discriminate against or take other retaliatory action against any clients who assert their rights under HIPAA, make privacy or HIPAA-related complaints, assist in an investigation of DMH practices under HIPAA or otherwise oppose activities that are in violation of HIPAA.

DEFINITION

- 3.1 **“Workforce Members”** means those persons who perform duties and services as representatives/agents of the DMH including full and part time paid staff, students, interns and volunteers.

PROCEDURE

- 4.1 The Los Angeles County Privacy Officer, in conjunction with the Department of Mental Health Office of the Chief Deputy, must be responsible for investigating reports or complaints that a DMH workforce member acted to intimidate, threaten, coerce, discriminate against or take other retaliatory action against any client who exercises her/her rights under HIPAA or participates in any process established by HIPAA, including, but not limited to:



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- (a) Filing complaints;
 - (b) Testifying, assisting or participating in an investigation, a compliance review, a proceeding or a hearing, or
 - (c) Opposing any act or practice that is unlawful under HIPAA (as long as the individual has a good faith belief that the practice opposed is unlawful and the manner in which it is opposed is reasonable and does not involve the disclosure of PHI in violation of HIPAA).
- 4.2 In the event that the workforce member assigned to monitor and complete specific investigations, under auspices of the Chief Deputy is alleged to have violated this Policy, such person or member must not participate in the investigation.
- 4.3 The Los Angeles County Privacy Officer, together with the Human Resources Department, must apply appropriate sanctions against any DMH workforce member found to have violated this policy in accordance with appropriate County Employee Sanctions polities.
- 4.4 Individuals who believe they have been treated in a manner that violates this Policy must report such violation to the Los Angeles County Privacy Officer, and make a complaint to DMH pursuant to the Policy on Complaint Handling or make a complaint to the Secretary of the Department of Health and Human Services.

AUTHORITY

HIPAA, 45 CFR, Section 164.530(g)