



HIPAA SECURITY RULE DOCUMENTATION PROCEDURE

3.02

Effective Date: 07/18

Purpose: The Health Insurance Portability and Accountability Act (HIPAA) Security Rule documentation contains the official review of the state of electronic security of the Barren River District Health Department (BRDHD) and the guidelines used by the agency to comply with the HIPAA Security Rule security standards.

Failure to Comply: Noncompliance of HIPAA rules, which now presumes that any access to protected health information (PHI) which is not permitted by law constitutes a breach, due to "willful neglect," (defined as a "conscious, intentional failure or reckless indifference), "reasonable cause," (defined as an act or omission in which the covered entity knew or could have known by reasonable diligence), violating an administrative simplification provision, or intentional misuse or inappropriate use, may result in a sanction, penalty and/or disciplinary action pursuant to KRS 18A and 902 KAR 8:100, up to and including dismissal.

Civil penalties for breaches of HIPAA may result from non-adherence to applicable procedures and/or policies whether from willful neglect or by not exercising reasonable diligence. The applicable tier of penalties is as follows:

- Did Not Know: \$100-\$50,000 per violation
- Reasonable Cause: \$100-\$50,000 per violation
- Willful Neglect: corrected within 30 days of discovery: \$10,000-\$50,000 per violation
- Willful Neglect: not corrected within 30 days of discovery: \$50,000 per violation
- All violations of an identical provision in a calendar year shall not exceed a fine of \$1,500,000.

Procedure: HIPAA Security Rule. A yearly review of HIPAA Security Rule compliance is completed by the HIPAA Security Officer and maintained on the internal agency network.

Forms: None

References: [Policy 3.01 - HIPAA Security Rule Adherence Procedure](#); [HIPAA Security Rule KRS 18A](#); [902 KAR 8:100](#); [Policy 1.13 - Employee Behavior Standards](#); [HIPAA Privacy Manual](#)

Contact Persons: Director of Nursing; Human Resources Manager; Director of Information Systems

Procedure Origination, Revision, and Review Tracking

Procedure Version Number	Origination Date	Description of Revision or Reviewer Name
3.02	12.14.2017	HR Manager – Procedure Creation
3.02	10.6.2020	HR Manager-review