



HIPAA SECURITY RULE ADHERENCE PROCEDURE

3.01

Effective Date: 07/18

Purpose: The "HIPAA Security Rule Documentation" text contains the official guidelines used by the Barren River District Health Department to comply with the HIPAA Security Rule security standards. This procedure specifies adherence to those standards.

Failure to Comply: Noncompliance of HIPAA rules, which now presumes that any access to 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: A signed P-19 Internet and Information Technology Security Agreement shall be required prior to being granted independent access to electronic media, specifically media that allows access to Electronic Protected Health Information. The security agreement indicates compliance with specified acceptable uses, rules of online behavior, access privileges and penalties for policy or procedural violations. Strict adherence to all standards, "acceptable uses" and "additional employee responsibilities" as stated in the signed security agreement is mandated.

Forms: [P-19 Internet and Information Technology Security Agreement](#)

References: [KRS 18A](#); [902 KAR 8:100](#); [Policy 1.13 - Employee Behavior Standards](#)

Contact Persons: Human Resources Manager, Director of Information Systems

Date Adopted:

Procedure Origination, Revision, and Review Tracking

Procedure Version Number	Origination Date	Description of Revision or Reviewer Name
3.01	12.14.2017	HR Manager – Procedure Creation