

**EMPLOYEE GROUP INSURANCE
TREATMENT OF PROTECTED HEALTH INFORMATION**

Section 7.7: Right to Make A Complaint	Page: 1 of 2
Effective Date: April 14, 2003	

POLICY

EGI shall have a process by which an individual can make a complaint to the Contact Person regarding EGI's compliance with the HIPAA Privacy Standards or any of the policies and procedures compiled in this Manual.

7.7(1) Responsibility for Receiving a Complaint

An individual shall have the right to submit a complaint to EGI relating to EGI's compliance with any of the policies and procedures compiled in this Manual and EGI's compliance with the HIPAA Privacy Standards. The Contact Person shall be responsible for receiving and keeping a log of such complaints.

7.7(2) Filing a Complaint.

- a. If an individual or his or her Personal Representative wishes to make a complaint to EGI, the Contact Person shall be the party to receive such complaint. The Contact Person shall ask the individual whether he or she wishes to submit a written or oral complaint.
- b. If the individual wishes to submit a written complaint, the individual shall complete EGI's complaint form. The Contact Person shall ensure that the complaint form completely states in clear terms the nature of the complaint and providing sufficient information to enable EGI to investigate, review, and resolve the complaint.
- c. If the individual wishes to submit an oral complaint, the Contact Person shall ask the individual to explain the complaint in sufficient terms to enable the investigation, review, and resolution of the complaint.

7.7(3) Report to the Privacy Officer.

The Contact Person shall forward all written and oral privacy complaints to the Privacy Officer.

7.7(4) Investigation of Privacy Complaints.

- a. The Contact Person in consultation with the Privacy Officer shall address and resolve all complaints. All such matters shall be privileged and confidential to the extent permitted by law. The Contact Person shall investigate and handle as a quality review matter all complaints including, as appropriate, interviewing or otherwise contacting other persons involved in the circumstances upon which the complaint is based, and shall take all other steps necessary to review and investigate the complaint.

- b. Following completion of the investigation, the Contact Person shall make a determination regarding whether a violation has occurred and if so whether (i) EGI's Policies fail to comply with the HIPAA Privacy Standards; (ii) EGI has failed to comply with the policies and procedures compiled in this Manual; or (iii) EGI has failed to comply with the HIPAA Privacy Standards.

7.7(5) Correction of Discovered Privacy Violation.

If it is determined that any provision of the policies and procedures compiled in this Manual violates the law or otherwise needs modification, this Manual shall be revised in accordance with Section 9.1 of this Manual. If it is determined that EGI has violated either this Manual or the HIPAA Privacy Standards, such violation shall be corrected in accordance with Section 8.4 of this Manual, and if the violation is continuing, it shall be stopped.

7.7(6) Notice of Resolution of Privacy Complaints.

The Contact Person, subject to the discretion of the Privacy Officer, may provide the complaining person with written notice of the decision regarding the complaint that includes (i) the name of the individual handling the complaint; (ii) the fact that an investigation has taken place or will take place; (iii) the date of completion or expected completion; and (iv) the result of the investigation or, if applicable, notification that due to the confidential and privileged nature of the peer review/quality review process, the results of such proceedings may not be communicated to the person. A copy of any such notice shall be retained in accordance with Section 9.2 of this Manual.

7.7(7) Document Retention.

EGI shall retain documentation of any complaint, including misdirected complaints, received and its disposition. Such documentation shall be retained in accordance with Section 9.2 of this Manual.

7.7(8) Misdirected Complaints

- a. Upon receipt of any complaint received by the Contact Person that alleges a violation by a component institution which is not a Business Associate of EGI, the Contact Person shall forward the complaint to the Privacy Officer of that component institution a copy of which shall be sent to the individual filing the complaint.
- b. Upon receipt of a complaint received by the Contact Person that alleges a violation by an Entity that is not described in paragraph (a) of this subsection, the complaint shall be returned to the individual filing the complaint advising them that the complaint cannot be considered by EGI as it does not involve action by or on behalf of EGI.

REFERENCES/CITATIONS

45 C.F.R. § 164.530(a), (d)