

Sanction Policy

(AAP recommended policy modified by PCC)

Effective date: _____

Our practice has adopted this Sanction Policy as of the above Effective Date to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the regulations requirement for such a policy, as well as to fulfill our duty to protect the confidentiality and integrity of confidential electronic medical information as required by law.

Our practice has adopted a Security Policy requiring it and its physicians, staff, and agents to protect the integrity and confidentiality of electronic medical and other sensitive information pertaining to our patients. In addition, this practice has adopted policies and standards to carry out the objectives of the Security Policy. Each of these policies and standards notes that all providers, staff, and agents of this practice must adhere to these policies and standards, that this practice will not tolerate violations of these policies and standards, and that such violations constitute grounds for disciplinary action up to and including termination, professional discipline, and criminal prosecution.

Any provider, staff, or agent of this practice who believes another provider, staff, or agent of this practice has breached the facility's security policy or the policies and standards promulgated to carry out the objectives of the Security Policy or otherwise breached the integrity or confidentiality of patient or other sensitive information should immediately report such breach to his or her supervisor or to our Security Official.

The Security Official for our practice will conduct a thorough and confidential investigation into the allegations. The Security Official will inform the complainant of the results of the investigation and any corrective action taken. Our practice will not retaliate against or permit reprisals against a complainant. Allegations not made in good faith, however, may result in discharge or other discipline.

Our practice has a progressive discipline policy under which sanctions become more severe for repeated infractions. This policy, however, does not mandate the use of a lesser sanction before we terminate an employee. In the discretion of management, this practice may terminate an employee for the first breach of the facility's security policy or individual policies and standards if the seriousness of the offense warrants such action. An employee could expect to lose his or her job for a willful or grossly negligent breach of confidentiality, willful or grossly negligent destruction of computer equipment or data, or knowing or grossly negligent violation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), its implementing regulations, or any other federal or state law protecting the integrity and confidentiality of patient information and may lose his or her job for a negligent breach of our standards for protecting the integrity and confidentiality of patient information. For less serious breaches, management may impose a lesser sanction, such as a verbal or written warning, verbal or written reprimand, loss of access, suspension without pay, demotion, or other sanction. In addition, this

practice will seek to include such violations by contractors as a ground for termination of the contract and/or imposition of contract penalties.

Violation of the facility's security policy or individual policies and standards may constitute a criminal or civil offense under HIPAA, other federal laws, such as the Federal Computer Fraud and Abuse Act of 1986, 18 U.S.C. § 1030, or state laws. Any employee or contractor who violates such laws may expect that this practice will provide information concerning the violation to appropriate law enforcement personnel or authorities and will cooperate with any subsequent investigation or prosecution.

Further, violations of the facility's security policy or individual policies and standards may constitute violations of professional ethics and be grounds for professional discipline. Any individual subject to professional ethics guidelines and/or professional discipline should expect this practice to report such violations to appropriate licensure/accreditation agencies and to cooperate with any professional investigation or disciplinary proceedings.

This Sanction Policy is intended as a guide for the efficient and professional performance of employees' duties to protect the integrity and confidentiality of medical and other sensitive information. Nothing herein shall be construed create a contract between the employer and the employee. Additionally, nothing in this Sanction Policy is to be construed by any employee as containing binding terms and conditions of employment. Nothing in this Sanction Policy should be construed as conferring any employment rights on employees. Management retains the right to change the contents of this Sanction Policy as it deems necessary with or without notice, provided however, that employees will be notified of any such changes.

All officers, employees, and agents of this practice are expected to comply and cooperate with the facility's administration of this policy.