

SUBJECT: **HIPAA PRIVACY RULE:
REQUIRED EDUCATION OF COVERED WORKFORCE**

HIPAA CITES: 45 CFR §164.530(b)

POLICY NUMBER: **GEN-101**

ISSUED: April 14, 2003

I. POLICY:

In accordance with the requirements of the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA Privacy Rule"), it is the policy of the University of Southern California to provide education to its faculty, staff, students and other employees or volunteers who access health information as part of their job responsibilities at USC. The education will include information about the privacy of patient health information, so that USC's Covered Workforce, defined below, can perform their job responsibilities in compliance with federal and state laws and university policies.

USC has developed a comprehensive web-based education program ("Education Program") designed to comply with the HIPAA Privacy Rule and educate its Covered Workforce and others who use, disclose or access Protected Health Information¹ maintained by USC as part of their functions or job responsibilities.

The Education Program describes USC privacy policies as well as state and federal legal requirements related to the privacy of health information, including the HIPAA Privacy Rule.

All individuals who are members of the Covered Workforce as of April 14, 2003, must complete the Education Program by April 14, 2003. All individuals who become members of the Covered Workforce after that date must complete the Education Program within ninety (90) days of beginning their employment with USC.

Failure to comply with this policy may lead to disciplinary action in accordance with applicable university policies and procedures, including the USC Faculty Handbook,

¹Protected Health Information is defined as any health information created or received by a health care provider that:

- (1) identifies an individual; and
- (2) relates to that individual's past, present or future physical or mental health condition or to payment for health care.

SCampus, and Staff Employment Policies and Procedures. Any such violations of this Policy and Procedures may also be taken into account in such individual's performance evaluation. The USC Office of Compliance is charged with enforcement of this policy.

II. PROCEDURES

A. USC Workforce Members Required to Complete Education Program

The University of Southern California (USC)² is required to provide education to its faculty, staff, employees, students, volunteers and trainees who:

- Perform treatment, payment or health care operations functions as set forth below under the control and direction of USC; and
 - Access Protected Health Information belonging to and maintained by USC in the course of performing such functions ("Covered Workforce").
1. Treatment. Treatment means the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another.
 2. Payment. Payment includes activities undertaken by a health care provider or health plan to obtain or provide reimbursement for the provision of health care or a health plan's efforts to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits under the health plan.
 3. Health care operations. Health care operations relates to the following activities of USC to the extent they are related to health care functions:
 - i. Conducting quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, population-based activities relating to improving

² For purposes of the HIPAA Privacy Rule, USC is defined as those health care components/units that provide clinical services within the School of Pharmacy, the School of Dentistry and the Independent Health Professions (e.g., Physical Therapy, Occupational Therapy, Nursing) as well as USC Care Medical Group, Inc., the USC-affiliated faculty practice plan corporations at the Keck School of Medicine, the USC-affiliated faculty practice plan corporations for Physical Therapy and Occupational Therapy, clinical researchers who conduct research that involves clinical treatment, and those units that support the clinical functions, such as the Office of General Counsel and the Office of Audit and Compliance.

- health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives;
- ii. Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance, health plan performance,
 - iii. Conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of non-health care professionals, accreditation, certification, licensing, or credentialing activities;
 - iv. Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;
 - v. Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the entity, including formulary development and administration, development or improvement of methods of payment or coverage policies; and
 - vi. Business management and general administrative activities of the entity, including, but not limited to: customer service, resolution of internal grievances, sale, transfer, merger, or consolidation of all or part of the covered entity with another covered entity, or an entity that following such activity will become a covered entity and due diligence related to such activity;
 - vii. Creating de-identified health information or limited data sets,
 - viii. Fundraising on behalf of USC when an authorization is not required;
 - ix. Marketing on behalf of USC when an authorization is not required.

- B. Categories of Covered Workforce. At minimum, the following categories of individuals who are employed, engaged by or who work at the direction of

USC, and who access Protected Health Information maintained by USC will be required to satisfy the education requirement:

- i. Licensed Practitioners, including physicians, dentists, pharmacists, independent health professionals and other clinical personnel, medical personnel, technicians and supporting clinical, clerical, billing and administrative staff;
- ii. Researchers who conduct research that involves treatment (e.g., clinical trials);
- iii. Researchers who de-identify research information or create limited data sets in accordance with the HIPAA Privacy Rule;
- iv. Individuals who conduct fundraising on behalf of USC;
- v. Individuals who conduct marketing on behalf of USC;
- vi. Individuals who provide health care operations functions, including clinical administrators, billing services and other back office functions, legal, compliance and information systems support;
- vii. Any other individual who performs a treatment, payment or health care operation function on behalf of USC and under the direction and control of USC, and who is not otherwise a business associate (See USC HIPAA Policy BUS - 701 for a description of business associates).

C. Identification of Non-Workforce Members Required to Complete Education Program

Individuals who do not qualify as Workforce Members as defined above, may also be required to complete the Education Program. Those individuals include, but are not limited to the following:

1. USC students, residents or fellows who do not provide treatment, payment or health care operations activities, but may participate in clinical training or other health care related educational activities.
2. USC researchers and their staff who are involved or engaged in human subjects research and use or receive protected health information and whose research does not involve treatment.

D. Enforcement

USC will provide education to all current members of the Covered Workforce, as defined above, by no later than April 14, 2003. All members of the Covered Workforce are expected to complete the Education Program by that date.

Individuals who begin employment, begin providing services, or assume new roles within USC after April 14, 2003, so as to qualify as "Covered Workforce" are required to complete the Education Program within ninety (90) days after beginning employment, providing services or assuming such new roles.

1. In order to maintain their good standing with the USC Care Medical Group, Inc. physician compliance program, clinical faculty members in the Keck School of Medicine are required to complete the Education Program no later than April 14, 2003. Faculty physicians will not be appointed or reappointed to the USC Care provider panel or the medical staffs of USC University Hospital and Norris Cancer Hospital until such time as they satisfy this requirement.
2. Researchers who conduct human subjects research and access Protected Health Information after April 14, 2003, are required to complete the Education Program in order to obtain review and approval of their respective research protocols and applications for continuing review from the applicable USC Institutional Review Board (IRB).
3. Students who access Protected Health Information as part of their education will be required to be educated about the HIPAA Privacy Rule as part of their training and education. Students may be required to complete the Education Program to satisfy this obligation.
4. Departments, Faculty Practice Plans and/or other units that employ or engage Covered Workforce members such as clinical personnel, medical personnel, technicians and supporting clinical, clerical, billing and administrative staff, are responsible for ensuring that all such Covered Workforce members complete the Education Program by the appropriate deadlines. Specifically, the designated Privacy Liaisons and Privacy Administrators are responsible for assisting in ensuring that the covered workforce in their respective units complete the program.
5. Relevant USC job descriptions will contain a prerequisite that the Education Program be completed.

F. Format of Education Program

The Education Program is self-administered. To access the Education Program individuals must log onto the USC Office of Compliance webpage at www.usc.edu/compliance.

Individuals who take the program are required to read each of the chapters contained therein and answer questions at the end of each chapter. Individuals who do not obtain the requisite passing score on each chapter quiz will be required to re-take the chapter quiz a maximum of three times until said score is achieved. If after three attempts to pass a chapter quiz, the individual fails to achieve a passing score, that individual will be required to review the chapter and re-take the quiz before proceeding to the next chapter. Upon successful completion of the Education Program, the participant will be issued a certificate evidencing completion of the Program, which can be printed from the online program. It is important that participants keep a copy of the certificate because participants will be asked to produce the certificate in order to confirm their completion of the Program.

G. Development of Additional Training Modules or other Programs

USC may periodically:

1. Add specialized mandatory or voluntary chapters to the Education Program to educate particular members of USC's workforce, individual schools, departments or entities or others; and/or
2. Update the existing Education Program and/or chapters contained therein to educate individuals about changes in California privacy laws, federal privacy laws or in the HIPAA Privacy Rule, and/or of changes to USC privacy policies and practices.

USC, in its discretion, may require all designated individuals to complete training on all such additional and/or revised chapters as it deems necessary.

H. Documentation

USC's Office of Compliance will maintain records regarding the time and date of completion of the Education Program by all individuals. This information also will be accessible on the compliance website so that departments and units may track compliance.