



Privacy Administration

Policy # 1.2

Prohibition of Intimidating or Retaliatory Acts

Original Effective
Date: 6/21/2016

Revised Date:

Purpose: Define actions that are prohibited when an Individual exercises his or her rights created by the federal HIPAA Regulations.

Policy: Workforce members shall not intimidate, threaten, coerce, discriminate against, or take other retaliatory action, against an Individual or other person for exercising any rights or for participating in processes established under the HIPAA regulations or for opposing acts or practices made unlawful by HIPAA if the Individual or person has a good faith belief the practice opposed is unlawful. Substantiated reports of intimidating, discriminatory, or retaliatory behavior will result in the imposition of sanctions.

Process:

1. Workforce members who suspect that intimidating, threatening, discriminatory or retaliatory acts have been or are being taken toward individuals or other persons who have, in good faith, exercised their rights under HIPAA, or have participated in processes established by HIPAA, must report this to the Privacy Officer or Privacy Liaison **immediately**. If the Privacy Officer or Privacy Liaison is implicated in retaliation, the workforce member should report to their Department Head or other Elected or Appointed Official.
2. The Privacy Officer informs the Department Head or Governance Committee member, and/or Legal Counsel as applicable if he or she becomes aware that an Individual has filed a complaint with the United States Department of Health and Human Services, or the State Attorney General, testified, assisted, or participated in any investigation, or opposed any act or practice the Individual believes to be unlawful.

Reports Made Pertaining to Commissioners Court Departments

1. The Privacy Officer first contacts the Department HR liaison and the head of the involved department, executive manager, HRMD, or the Governance Committee member (as appropriate and based on the Privacy Officer's professional judgement).

2. The Privacy Officer consults with HRMD and reviews applicable County policies. If it is determined that HRMD is the more appropriate body to handle an alleged act of intimidation, discrimination, or retaliation, then the Privacy Officer will provide technical assistance.
3. The Privacy Officer works with the Department HR liaison, or HRMD as appropriate, to conduct a full investigation into the allegations. The reasonableness of the manner of opposition, and any impermissible disclosures of PHI are considered in the investigation.
4. If the intimidating, discriminatory, or retaliatory behavior is substantiated, the Privacy Officer will work with the department HR liaison or HRMD, as appropriate to recommend corrective actions.

Reports Made Pertaining to Non-Commissioners Court Departments

1. The Privacy Officer contacts the Department head or Governance Committee member, as appropriate, for non-Commissioner Court departments to report the alleged act of retaliation.
2. The Department head or Governance Committee member initiates an investigation into the report in accordance with department protocol. If it is discovered that intimidating, discriminatory, or retaliatory behavior did occur, the department is responsible for taking appropriate action against the responsible Travis County employee in accordance with department sanctions policies. The Privacy Officer is available to work with the Department to recommend corrective actions.