

4005.0.0 DHS PROTECTED HEALTH INFORMATION COMPLAINT PROCEDURE

This policy establishes Department of Human Services (DHS) procedures to complain to DHS or to the Secretary of the Department of Human Services regarding violations of privacy rights granted under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the Privacy Rules found at 45 CFR Parts 160 and 164. This policy is applicable to all DHS clients and their legal representatives.

4005.1.0 Privacy Rights Under HIPAA Generally

DHS clients and their legal representatives (DHS clients) have certain rights guaranteed under HIPAA pertaining to the safeguarding of the privacy of their Protected Health Information (PHI) retained by or created by DHS and its agencies. The legal representatives of DHS clients may exercise these rights on behalf of the DHS client they represent. References to clients therefore includes legal representatives of clients. These rights generally include the following:

- 4005.1.1 Use and disclosure of a client's PHI by DHS and its agencies will be limited to those who have a need to know, and the amount of PHI disclosed will be the minimum necessary to accomplish the purpose of the communication.
- 4005.1.2 Clients have the right to request restrictions on the use and disclosure of their PHI during activities of treatment, payment of claims, and operations.
- 4005.1.3 Clients may request DHS to send their information to a certain address and package it in a certain way or send it by a certain medium. (See DHS 4008)
- 4005.1.4 Clients have the right to inspect and copy their PHI.
- 4005.1.5 Clients have the right to request DHS amend their patient information.
- 4005.1.6 Clients have the right to request and receive an accounting of disclosures of their PHI. (See DHS 4001)
- 4005.1.7 Clients have the right to receive a written copy of the DHS Notice of Privacy Practices. (See DHS Pub 407)
- 4005.1.8 Clients have the right to request that DHS not disclose their PHI to certain parties.
- 4005.1.9 Clients have the right to file complaints regarding violations by DHS of their privacy rights granted to them and created by HIPAA. (See DHS Policy 4005)
- 4005.1.10 Clients have the right to require that DHS refrain from any activity that may intimidate, threaten, coerce, discriminate against them for exercising their rights under HIPAA.

4005.2.0 Client's Right to File a Complaint for Violation of HIPAA Privacy Rights

Any client or legal representative of a client may complain to DHS or the United States Department of Health and Human (DHS) services of violations by DHS of the client's privacy rights granted by HIPAA.

4005.3.0 Requirements for Filing a Complaint

All Complaints must meet the following requirements:

- A. A Complaint must be made in writing, either on paper or electronically.

The Complainant may use the DHS Complaint form for convenience or may personally compose his or her complaint in his or her own words. DHS will recognize complaints filed in either form.

- B. A Complaint must name the covered entity that is subject of the complaint and describe the acts or omissions believed to be in violation of HIPAA privacy rights.

- C. A Complaint must be filed within 180 days of when the complainant knew or should have known that the act or omission complained of occurred, unless this time limit is waived by either DHS or DHS for good cause shown.

4005.4.0 Filing the Complaint

Complaints made in accordance with the previous section may be made to the following persons:

- A. DHS Privacy Officer: (State of Arkansas)

DHS Privacy Officer
Department of Human Services
P.O. Box 1437, Mail Slot S201
Little Rock, Arkansas 72203-1437
Ph: 501-682-8650

- B. U.S. Secretary of Department of Human Services (Federal)

U.S. Department of Human Services
Office for Civil Rights
Medical Privacy, Complaint Division
200 Independence Avenue, SW
HHH Building, Room 509H
Washington, D.C. 20201
Phone: 866-627-7748
TTY: 886-788-4989 Email: www.hhs.gov/ocr

4005.5.0 Investigating the Complaint

4005.5.1 The DHS Privacy Officer shall investigate each complaint submitted to him or her, and report his or her findings to the complainant in writing within 60 days from the date the complaint was received.

4005.5.2 The DHS Privacy Officer will document all complaints and their disposition, if any, in the Complainant's DHS file, and in a separate file for Complaints made pursuant to privacy and confidentiality rights.

4005.6.0 Originating Section/Department Contact

Office of Chief Counsel
Donaghey Plaza South
P. O. Box 1437, Slot S260
Little Rock, AR 72203-1437
Telephone: (501) 396-6168