

---

**Subject: Enforcement, Sanctions, and Penalties for  
Violations of Individual Privacy** **Page 1 of 4**

---

**Objective:**

To specify enforcement, sanction, penalty, and disciplinary actions that may result from violation of Tuality Health Alliance (THA) policies regarding the privacy and protection of an individual's protected health information (PHI) and to offer guidelines on how to conform to the required standards.

**Policy:**

- I. General
  - A. All staff and volunteers, of THA must guard against improper uses or disclosures of a THA member's information.
    1. THA staff that is uncertain if a disclosure is permitted is advised to consult with a supervisor in the THA workplace. The THA Privacy Officer is a resource for any THA staff that cannot resolve a disclosure question, and may be consulted in accordance with the operational procedures of THA.
    2. The Tuality Healthcare (THC) Privacy Officer is also a resource that may be consulted with questions on disclosure.
  - B. THA staff is required to be aware of their responsibilities under THA Privacy policies.
    1. THA staff will be expected to sign an Employee Confidentiality and Conflict of Interest Statement indicating that they have been informed of the business practices in THA as it relates to Privacy, and they understand their responsibilities to ensure the Privacy of THA members.
  - C. Supervisors are responsible for assuring that staff who have access to confidential information, whether it be electronic, hard copy, or orally, are informed of their responsibilities.
  - D. THA staff who violate THA policies and procedures regarding the safeguarding of an individual's information are subject to disciplinary action by THA up to and including:
    1. Appropriate disciplinary action by THA, up to and including immediate dismissal from employment.

---

**Subject: Enforcement, Sanctions, and Penalties for  
Violations of Individual Privacy** **Page 2 of 4**

---

2. Legal action by the individual, who may want to pursue a tort claim against the State of Oregon or a lawsuit against the state and the employee.
- E. THA staff that knowingly and willfully violate state or federal law for improper use or disclosure of an individual's information are subject to:
1. Criminal investigation and prosecution, both by the State of Oregon and by the federal government, depending on the nature of the violation.
  2. Federal and state law provides substantial fines and prison sentences upon conviction, depending on the nature and severity of the violation.
- F. If THA fails to enforce privacy safeguards; THA may be subject to administrative penalties by the Department of Health and Human Services (DHHS), including federal funding penalties.
- II. Retaliation prohibited
- A. Neither THA as an entity nor any THA employee will intimidate, threaten, coerce, discriminate against, or take any other form of retaliatory action against:
1. Any individual for exercising any right established under THA policy, or for participating in any process established under THA policy, including the filing of a complaint with THA or with DHHS.
  2. Any individual or other person for:
    - a. Filing of a complaint with THA or with DHHS as provided in THA privacy policies;
    - b. Testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing relating to THA policy and procedures; or
    - c. Opposing any unlawful act or practice, provided that:
      - i). The individual or other person (including a THA employee) has a good faith belief that the act or practice being opposed is unlawful; and
      - ii). The manner of such opposition is reasonable and does not involve a use or disclosure of an individual's protected information in violation of THA policy.
- III. Disclosures by whistleblowers and workforce crime victims
- A. A THA employee or business associate may disclose an individual's PHI if:

---

**Subject: Enforcement, Sanctions, and Penalties for  
Violations of Individual Privacy** **Page 3 of 4**

---

1. The THA employee or business associate believes, in good faith, that THA has engaged in conduct that is unlawful or that otherwise violates professional standards or THA policy, or that the care, services, or conditions provided by THA could endanger THA staff, persons in THA care, or the public; **and**
  2. The disclosure is to:
    - a. An oversight agency or public authority authorized by law to investigate or otherwise oversee the relevant conduct or conditions of THA;
    - b. An appropriate health care accreditation organization for the purpose of reporting the allegation of failure to meet professional standards or of misconduct by THA; or
    - c. An attorney retained by or on behalf of the THA employee or business associate for the purpose of determining the legal options of the THA employee or business associate with regard to this THA policy.
- B. A THA employee may disclose limited PHI about an individual to a law enforcement official if the employee is the victim of a criminal act and the disclosure is:
1. About only the suspected perpetrator of the criminal act; and
  2. Limited to the following information about the suspected perpetrator:
    - a. Name and address;
    - b. Date and place of birth;
    - c. Social security number;
    - d. ABO blood type and rh factor;
    - e. Type of any injury;
    - f. Date and time of any treatment; and
    - g. Date and time of death, if applicable.
  3. Civil monetary penalties that the federal Department of Health and Human Services (DHHS) may impose.

Reference(s): 45 CFR 164.530  
DMAP Policy AS-100-09 Enforcement, Sanctions, and Penalties for  
Violations of Individual Privacy

---

**Subject: Enforcement, Sanctions, and Penalties for  
Violations of Individual Privacy** **Page 4 of 4**

---

Formulated: March 11, 2003  
Reviewed: November 2007

---

**THA Plan Director**

---

**THA Medical Director**