**Investigation of Complaints by Secretary of the Department of Health and Human Services**

**APPLICABILITY:**

This policy applies to the following entities (collectively referred to as "UNC Health Care System" or "UNCHCS" in this policy):

- UNC Health Care System/UNC Medical Center*
- UNC Physicians Network
- UNC Physicians Network Group Practices
- Rex Healthcare / Rex Hospital
- Chatham Hospital
- Caldwell Memorial Hospital
- UNC Rockingham Health Care / UNC Rockingham Hospital
- Johnston Health
- Lenoir Memorial Hospital
- Margaret R. Pardee Memorial Hospital
- Nash Healthcare System / Nash Hospitals
- Wayne UNC Health Care

*UNC Medical Center includes all UNC Hospitals' facilities and the clinical patient care programs of the School of Medicine UNC-Chapel Hill (including UNC faculty physicians).

I. Description

It is the policy of UNCHCS to cooperate with the Secretary of the Department of Health and Human Services, Office for Civil Rights, as necessary, in the investigation of privacy complaints or investigations involving PHI filed against UNCHCS or a UNCHCS Facility, including allowing a review of policies, procedures, practices and circumstances.

UNCHCS shall not require any individual to waive his or her right to file a complaint with the Secretary of the Department of Health and Human Services Office for Civil Rights as a condition of providing treatment.

Included within the scope of this policy are the patient care programs of the UNC School of Medicine (UNC SOM). As a result, this policy shall apply to all UNC SOM personnel, including but not limited to faculty, staff, students, trainees, interns and volunteers who may be full-time, part-time, paid or unpaid who create, store,
transmit, access or use any patient information in support of clinical purposes for UNCHCS or any other healthcare entity.

II. Policy

A. UNCHCS shall retain all such documents that may be necessary to support or defend the propriety of its privacy policies and procedures.

B. In the event any workforce member receives notice from the Secretary or of an investigation of a complaint against the UNCHCS Facility, the workforce member shall immediately notify the UNCHCS Privacy Office or the privacy officer of the UNCHCS Facility where the workforce member is employed. The respective Privacy Officer must immediately consult with legal counsel and the UNCHCS Privacy Office.

C. UNCHCS shall permit access by the Secretary during normal business hours to its facilities, books, records, accounts and other sources of information that are pertinent to ascertaining compliance with HIPAA.

D. If the Secretary requires documents or information that is in the exclusive possession of another office, agency, institution or person, and UNCHCS cannot obtain such information, UNCHCS must certify to the Secretary this fact, including the efforts made to obtain the information.

E. No individual shall be required to waive any right to file a complaint with the Secretary as a condition of receiving treatment.

III. Definitions

Secretary – means the Secretary of Health and Human Services or any other officer or employee of HHS to whom the authority involved has been delegated.

IV. References


V. Related Policies/Forms

UNCHCS Whistleblowers and Anti-Retaliation Policy

Attachments: No Attachments

Approval Signatures

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<td>Jerylyn Williams: VP Chief Audit &amp; Comp Officer</td>
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<td>SYSTEM Site Administrator</td>
<td>Emilie Hendee: HCS-Sr Attorney</td>
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<td>David Behinfar: HCS-Privacy Dir</td>
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Applicability

Caldwell Memorial Hospital, Chatham Hospital, Johnston Health, Nash Health Care, UNC Health Care System, UNC Lenoir Health Care, UNC Medical Center, UNC Physicians Network, UNC Rex Healthcare, UNC Rockingham Health Care, Wayne Memorial Hospital