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Owner: *David Behinfar: HCS Exec Dir Privacy*
Policy Area: *HIPAA - Privacy*
Policy Tag Groups:
Applicability: *UNC Health Care System (all owned and managed entities)*

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" in this policy):

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

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

I. Description

It is the policy of UNC Health 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 UNC Health or a UNC Health Facility, including allowing a review of policies, procedures, practices and circumstances.

UNC Health 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 UNC Health or any other healthcare entity.

II. Policy

- A. UNC Health 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 UNC Health Facility, the workforce member shall immediately notify the UNC Health Privacy Office or the privacy officer of the UNC Health Facility where the workforce member is employed. The respective Privacy Officer must immediately consult with legal counsel and the UNC Health Privacy Office.
- C. UNC Health 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 UNC Health cannot obtain such information, UNC Health 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

45 C.F.R. §§ 160.300-160.306, 160.310, 160.312, 164.530

V. Related Policies/Forms

UNC Health [Whistleblowers and Anti-Retaliation Policy](#)

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
	Jerylyn Williams: Chief Audit & Compliance Ofcr	06/2020
SYSTEM Site Administrator	Emilie Hendee: HCS Attorney Sr	06/2020

Step Description	Approver	Date
	David Behinfar: HCS Exec Dir Privacy	06/2020

Applicability

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

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