

# MS 269 HIPAA Administration

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## Table of Contents

- 1.0 Authority
  - 2.0 Purpose
  - 3.0 Policy
  - 4.0 Administration Requirements
    - 4.1 Designation of Health Care Component
    - 4.2 Peace Corps Notice of Privacy Practices
    - 4.3 Protection of Health Information
      - 4.3.1 Peace Corps Employees
      - 4.3.2 Business Associates
    - 4.4 Authorizations for Use of Medical Information
    - 4.5 Access of Individuals to their Medical Information
    - 4.6 Requests to Amend Medical Files
    - 4.7 Complaint Process
    - 4.8 Recordkeeping
  - 5.0 Effective Date
- 

## Attachments

Attachment A - Designation of Peace Corp's Health Care Component

Attachment B - Peace Corps Notice of Privacy Practices

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## 1.0 Authority

22 USC 2503(b); Pub. L. 104-191; 45 C.F.R. Part 160 and 164

## 2.0 Purpose

This manual section sets out certain Peace Corps responsibilities that derive from the Health Insurance Portability and Accountability Act (HIPAA).

### **3.0 Policy**

It is the policy of the Peace Corps to ensure that the administration of its medical services is consistent with HIPAA.

Because the Peace Corps provides and/or pays for medical services to its Volunteers (as set forth in MS 262 *Peace Corps Medical Services Program*), the Peace Corps is considered by the U.S. Department of Health and Human Services to be a covered entity under HIPAA. However, only the Peace Corps' activities in the United States are subject to HIPAA and its implementing regulations. HIPAA does not apply to the Peace Corps' medical activities overseas.

### **4.0 Administration Requirements**

#### **4.1 Designation of Health Care Component**

According to the U.S. Department of Health and Human Services, the Peace Corps is a hybrid entity under HIPAA because its activities include both covered functions (e.g., providing and paying the cost of medical care for Peace Corps Trainees and Volunteers) and a large number of other activities that do not involve provision of or payment for medical care or otherwise constitute covered functions.

As a hybrid entity, the Peace Corps specifically designates which parts of the Peace Corps are included in its health care components that are subject to the HIPAA regulations. See Attachment A for Peace Corps' *Designation of Peace Corps' Health Care Component for Purposes of the Health Insurance Portability and Accountability Act (HIPAA)*.

#### **4.2 Peace Corps Notice of Privacy Practices**

As a covered entity under HIPAA, Peace Corps is required to have a Notice of Privacy Practices (Notice) that meets the requirements in 45 CFR 164.520. The Peace Corps' Notice must be made available to applicants and Volunteers, as well as to anyone who requests it. See Attachment B for the Peace Corps' Notice. The Notice must be accessible on the Peace Corps' Internet site, and a copy shall be made available to applicants in connection with the application for Peace Corps service.

#### **4.3 Protection of Health Information**

##### **4.3.1 Peace Corps Employees**

The Peace Corps' policies on protecting the confidentiality of personal health information are set forth in MS 268, *Medical Confidentiality*. All employees, including personal services contractors, who receive, create, use, disclose or otherwise transmit protected health information are required to comply with such policies. Any Peace Corps employee, other than a personal services contractor, who fails to comply with the provisions of this Manual Section, MS 268, or other Office of Medical Services operating procedures relating to the protection of medically confidential information, is subject to appropriate disciplinary action. Any personal services

contractor who fails to comply with the provisions of this Manual Section, MS 268, or other Office of Medical Services operating procedures relating to the protection of medically confidential information, is subject to action consistent with the terms of the relevant contract.

#### **4.3.2 Business Associates**

The Peace Corps shall enter into a business associate agreement with any entity in the United States that creates, receives, maintains or transmits protected health information on its behalf. Such an agreement will provide satisfactory assurances that the business associate will properly safeguard such information.

#### **4.4 Authorizations for Use of Medical Information**

As set forth in MS 262 *Peace Corps Medical Services Program*, all applicants for Peace Corps service are required to sign an authorization that permits Peace Corps staff and contractors, including the Inspector General, to use protected health information for medical screening and placement purposes and as needed to administer the Peace Corps program. *See* MS 262, Attachment A.

#### **4.5 Access of Individuals to their Medical Information**

Medical information in the custody of Peace Corps is maintained in a system of records subject to the Privacy Act. An individual has the right to inspect and obtain a copy of his or her medical record in the U.S. consistent with HIPAA regulations (*see* 45 CFR 164.524(a)). Consistent with those regulations, an individual's access to his or her medical information may be denied for any reason it could be denied by Peace Corps pursuant to the Privacy Act. Requests under HIPAA by an individual for access to his or her medical records will be handled consistent with requests for access under the Privacy Act. *See* MS 897 *Privacy Act Administration*. All requests for medical records in the U.S. that are subject to HIPAA should be acted upon within 30 days.

#### **4.6 Requests to Amend Medical Files**

Individuals whose medical information is in the custody of the Peace Corps have the right to request an amendment to their files under the Privacy Act and Peace Corps' Privacy Act regulations at 22 CFR 308.16, and under HIPAA and its regulations at 45 CFR 164.526. Requests to the Peace Corps for amendment pursuant to HIPAA shall be handled consistent with requests for amendment under the Privacy Act. *See* MS 897; 22 CFR 308.16.

#### **4.7 Complaint Process**

An individual who wants to make a complaint about Peace Corps policies and procedures relating to HIPAA, or its compliance with such procedures, may do so by filing a written complaint with the Director, Office of Medical Services, or his or her designee. A written response to such a complaint is required.

The individual may also file a complaint with the U.S. Department of Health and Human Services, Office of Civil Rights. Retaliatory action against anyone filing a complaint is prohibited.

#### **4.8 Recordkeeping**

Notwithstanding other Agency recordkeeping requirements, all Peace Corps procedures and policy documents relating to HIPAA administration must be retained for at least 6 years. *See* 45 CFR 164.530.

#### **5.0 Effective Date**

The effective date is the date of issuance.