

*Adopted: January 25, 2011*

*Minnewaska Area Schools Policy 1007*

*Revised: \_\_\_\_\_*

*Origin: 2010*

## **1007 HEALTH INFORMATION PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA) Emergency Access Procedures**

### **Introduction**

Minnewaska Area Schools Day Treatment has adopted these Emergency Access Procedures to comply with the Health Information Portability and Accountability Act of 1996 (“HIPAA”), the Department of Health and Human Services (“DHHS”) security and privacy regulations, and the Joint Commissions on Accreditation of Healthcare Organizations (“JCAHO”) accreditation standards, as well as our duty to protect the confidentiality and integrity of confidential medical information as required by law, professional ethics, and accreditation requirements. All personnel of Minnewaska Area Schools Day Treatment must comply with this policy. Familiarity with the personnel security policy and demonstrated competence in the requirements of the policy are an important part of every employee’s responsibilities.

### **Assumptions**

These Emergency Access Procedures are based on the following assumptions:

- Data, media, and computer assets are the physical property of Minnewaska Area Schools Day Treatment, wherever located, although patients and others may have rights of access to the data.
- Individually identifiable health information is sensitive and confidential. Such information is protected from improper use and disclosure by HIPAA, its implementing regulations, other state and federal laws, professional ethics, and accreditation requirements.
- HIPAA, its implementing regulations, other state and federal laws, professional ethics, and accreditation requirements specify that only those individuals with a need to access and use individually identifiable health information should have access to such information.
- Limiting access to those with a need to know and giving them no more access than necessary for performance of their duties will help Minnewaska Area Schools Day Treatment comply with the privacy regulations “minimum necessary” rule.
- Those authorized access should have no more access than needed for the performance of their responsibilities.
- In an emergency, other individuals may need immediate access to data and equipment to carry out medical and business operations.
- An emergency override may be necessary for some data users, such as mental health professionals to respond to emergencies.

### **Policy**

Minnewaska Area Schools Day Treatment may invoke these Emergency Access Procedures when an incident occurs that has disabled or will disable, partially or completely, the central computing facilities of Minnewaska Area Schools Day Treatment, the health information system, and/or the communications network for a period of 8 hours or longer *or* when an incident has substantially impaired the use of health information computers and networks. When such incidents occur, Minnewaska Area Schools Day Treatment will invoke this plan when the incident requires Minnewaska Area Schools Day Treatment personnel or other personnel, such as vendor maintenance technicians, to have access to the system or its data that has not previously been granted under Minnewaska Area Schools Day Treatment's Access Authorization and Access Establishment Policies. These Emergency Access Procedures supplement the Minnewaska Area Schools Day Treatment's overall Disaster Plan and Emergency Operations Plan.

The Director of Information Systems is responsible for the following tasks:

- Establish a procedure for granting immediate access to named individuals in an emergency in cases in which the following conditions occur:
  - There is no time to properly screen or train the individual as required by the Minnewaska Area Schools Day Treatment Access Authorization and Access Establishment Policies.
  - The individual needs different access from that granted under the Access Authorization and Access Establishment Policies, and following the Access Modification Policy is impracticable.
- Keep records of emergency access for not less than six years.
- Follow the procedures in the Access Authorization, Establishment, and Modification Policies when time permits to formalize the access.
- Terminate emergency access when it is no longer necessary.
- Audit emergency access.
- Establish an emergency override for medical personnel to access patient charts for which they have no assigned patient responsibility in an emergency.

The Director of Mental Health Services is responsible for the following tasks:

- Identify Health Information Management personnel who may need different access during emergencies and report the same to the Director of Information Systems.
- Train Health Information Management personnel concerning different access so that they can function properly during emergencies.
- Identify department personnel who may need different access during emergencies and report the same to the Director of Information Systems.

## **Enforcement**

All officers, agents, and employees of Minnewaska Area Schools Day Treatment **must** adhere to this policy, and all supervisors are responsible for enforcing this policy. Minnewaska Area Schools Day Treatment will not tolerate violations of this policy. Violation of this policy is grounds for disciplinary action, up to and including termination of employment and criminal or professional sanctions in accordance with Minnewaska Area Schools Day Treatment's medical information sanction policy and personnel rules and regulations.