

	<b>Effective Date:</b>	09-12-2011	
	<b>Policy #:</b>	H-02	
	<b>Supersedes:</b>		
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**POLICY**

To ensure that all members of the Department of Licensing and Regulatory Affairs (LARA) workforce who have access to any confidential and sensitive records and information, including but not limited to those workforce members who have access to PHI or ePHI, as defined by the HIPAA Privacy and Security Rules, abide and fully comply with LARA privacy and security policies and procedures. LARA will appropriately discipline and apply sanctions to workforce members for any violations of privacy and security policies and procedures, and will investigate and reasonably mitigate privacy and security violations and incidents in a timely and accurate manner. Sanctions applied against workforce members who fail to comply with, or who violate the privacy and security policies and procedures shall be commensurate with the gravity of the violations. The aforementioned privacy and security sanctions will be enforced under a graduated system, when reasonable, and will comply with any other applicable policies and procedures, regulations and State and Federal Laws.

This policy includes, but is not limited to, the aforementioned sanctions and penalties. The policy and sanctions defined in this policy must be reviewed and evaluated on a periodic basis to ensure that they maintain their viability and effectiveness.

**DEFINITIONS**

**PHI** is an acronym for Protected Health Information. It is information that can identify a person and contains health related data pertaining to that person.

**ePHI** is an acronym for Electronic .Protected Health information. It is information that can identify a person and contains health related data pertaining to that person.

**Sanction** means an official course of action that is taken or imposed in response to a noted violation or instance of non-compliance with applicable regulations, policies and procedures.

**Violation** means any action that is not in accordance with applicable regulations, policies and procedures.

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**POLICY**

Any violation of the privacy and security Policy shall constitute grounds for disciplinary action. LARA will inform all workforce members of the disciplinary action to be taken for the misuse or misappropriation of confidential and sensitive information, including but not limited to the misuse or misappropriation of PHI and ePHI. LARA prohibits all privacy and security violations and all violations of HIPAA statutory and regulatory requirements, and the department policies and procedures in place to uphold them. As appropriate and in conjunction with State and Federal law, Human Resource policies, and Civil Service Rules and Regulations, and any other applicable Rules, Policies, Procedures or laws, workforce members who misuse or misappropriate PHI or ePHI, in any form will be subject to graduated disciplinary sanction, when reasonable, up to and including termination. In severe cases, where a workforce member's actions involve the willful or intentional disclosure of confidential and sensitive information, sanctions may be enforced without a graduated discipline plan.

LARA also reserves the right to pursue civil or criminal penalties, which may include notifying law enforcement officials and regulatory accreditation and licensure organizations.

**REFERENCES**

Mental Health Code: Record Confidentiality 330.1748 Confidentiality Sec. 748  
 Public Health Code Act 368: HIV/AIDS Confidentiality  
 MCL 333.5131; Public Act 488 of 1988, as amended by Act 174 of 1989, Act 270 of 1989, Act 86 of 1992. Act 200 of 1994 and Act 57 of 1997  
 Michigan Civil Service Commission Rules Chapter 2: Employment Provisions, 2-6 Discipline