

Wood County Board of Developmental Disabilities

POLICY

Policy #: 01-ALL-ALL-0130 **Subject:** Non-Intimidation and Non-Retaliation
Effective Date: 04-01-03 **Last Revision:** 09-23-13
Person Responsible: HIPAA Privacy Officer

Approvals/Date: Brent Baker 12/11/17 [Signature] 12/11/17
Superintendent, WCBDD Date Board President, WCBDD Date

The Wood County Board of DD will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against individuals who exercise any right, not against staff or other individuals who express the opinion that WCBDD policies and procedures are not consistent with the law, or not being implemented properly. WCBDD will not require any individual receiving services to waive any of his/her rights under HIPAA as a condition of education, treatment, or enrollment.

1. WCBDD will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against;
 - A. Individuals Receiving Services. Any individual for the exercise by the individual of any right under, or for participation by the individual in any process established by the HIPAA compliance rule;
 - B. Individuals Receiving Services and Others. Any individual receiving services, or other person for:
 1. Filing of a complaint with the Secretary under HIPAA compliant;
 2. Testifying, assisting or participating in an investigation, compliance review, proceedings or hearing under Part C of Title XI; or
 3. Opposing any act or practice made unlawful by HIPAA compliance rules, provided the individual or person has a good faith belief that the practice opposed is unlawful, and the manner of the opposition is reasonable and does not involve a disclosure of protection health information.
2. Retaliatory action is defined as doing any of the following:
 - A. Removing or suspending the employee from employment;
 - B. Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
 - C. Denying the employee a promotion that would have otherwise been received;
 - D. Transferring or reassigning the employee;
 - E. Reducing the employee in pay or position.
3. Non-Retaliation Statement – A person who in good faith brings a complaint will not be subject to retaliation. Retaliation against any person who falls within this definition, either individual served or staff member of WCBDD, is strictly prohibited.
4. Prohibition against Waiver of Rights – No office, program, facility or employee of the WCBDD shall require individuals to waive any of their rights under HIPAA as a condition of treatment, payment, and enrollment in a health plan or eligibility for benefits.
5. WCBDD will also follow Policy 01-ALL-ALL-0172 False Claims Act and Whistleblower Protections as appropriate.

References: 45 CFR Part 164
01-ALL-ALL-0172

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