

Explanation of Sample HIPAA Privacy Policy Number 6: Patient Complaints

The Privacy Rule gives individuals the right to file a complaint with the government and/or the Covered Entity. This explanation and sample HIPAA Privacy Policy 6 discuss the obligations of Covered Entities such as physician practices to notify patients of this right and to handle complaints that are made against the practice.

Information in Notice

The practice's Notice of Privacy Policies must include a statement that informs patients of their right to file a complaint with the practice and with the Secretary of Health and Human Services. The Notice of Privacy Practices must also give patients specific instructions on how to file the complaint with the practice and must designate a contact person to receive complaints. Most practices designate the Privacy Officer for this role.

No Retaliation

The practice's Notice of Privacy Practices must also inform patients that the practice cannot retaliate against the patient for filing a complaint. The practice also cannot retaliate in any way against an employee who files a complaint, assists with an investigation or objects to a practice that he or she believes violates the HIPAA regulations.

Documentation of Complaints

The practice is responsible for maintaining documentation regarding all complaints, including the results of any investigation and disposition of the matter. Such documentation must be maintained for at least six years.

Breach Notification Rule

In some instances, a complaint will result in the discovery that an impermissible use or disclosure of Protected Health Information has occurred. In such cases, the practice must conduct a risk assessment to determine whether the impermissible use or disclosure meets the definition of a "Breach" for purposes of the Breach Notification Rule. The specific steps which must be taken to determine whether a "Breach" occurred, and the requirements for notifications in compliance with the Breach Notification Rule are contained in a later policy and explanation – Policy 9.