

BARNABAS HEALTH

POLICY # HIE-18

INFORMATION TECHNOLOGY AND SERVICES

POLICY

TITLE: Complaints

EFFECTIVE DATE: 6/18/2015

APPROVED BY: 

System: System Chief Information Officer/
Barnabas Health

Date: 11/5/2015

ATTACHMENTS:

None

PURPOSE:

To ensure that there is a process by which patients may complain and/or make suggestions or other comments about practices or activities related to the BHIE, and/or its Participants.

POLICIES:

1. Complaints

- a. The BHIE and all Participants shall accept complaints from Patients about the practices or issues relating to the BHIE.
- b. The BHIE will also accept complaints from Patients, Participants, and Authorized Users regarding a particular Authorized User or Participant of the BHIE.
- c. The procedures for the complaint process will be made known through education materials and online resources.
- d. Any general complaint regarding the BHIE that is received by a Participant shall be promptly forwarded to the BHIE Program Manager for handling. Complaints involving privacy or security issues shall be directed to the BHIE Privacy Officer and/or BHIE Security Officer for handling.

- e. Complaints may be submitted in writing using either a form developed by the BHIE for complaints, or by any other reasonable method.
- f. Neither the BHIE nor any Participant or Authorized User may retaliate, discriminate against, intimidate, coerce, or otherwise reprise a Patient if he or she files a Complaint pursuant to this Policy.
- g. The foregoing Complaint process **does NOT limit or change** any rights that a Patient may have to file a HIPAA complaint regarding any particular Health Care Provider's privacy practices, in accordance with HIPAA and such Health Care Providers Notice of Privacy Practices.

2. Anonymity and Confidentiality

- a. Complaints may be submitted anonymously. In such case, it is the responsibility of the submitting complainant to ensure that no identifying information is included or submitted with such Complaint that could reveal their identity or compromise their anonymity.
- b. Any Patient PHI included in the Complaint shall be used and disclosed only as permitted under HIPAA, HITECH and State Law.

3. Complaint Log

- a. Copies of Complaints submitted to the BHIE shall be maintained by the BHIE in a Complaint Log by the BHIE Privacy Officer.
- b. Outcomes or resolutions to written complaints will be documented, but may not be communicated to the submitting complainant unless specifically requested.

4. Nature of Complaints

- a. Complaints submitted to the BHIE are not considered a part of a Patient's Designated Record Set, or a part of an individual's employment records.
- b. Complaints submitted to the BHIE that include concerns or issues regarding the actions of an employee, agent or business associate of a Participant are subject to the following:
 - i. If the Complaint includes information that may suggest violations of these BHIE Policies, provisions of the Participation Agreement, or other affirmative obligations a Participant or Authorized User to the BHIE, then the Enforcement and Sanctions Policy will be applied.
 - ii. If the Complaint includes information that may require action or response by the respective employer (e.g., a Participant), such employer shall respond and address any such employment concerns in accordance with its own internal employment practices and policies.