

PARTNERSHIP FOR ACHIEVING TOTAL HEALTH

Greater New Orleans Health Information Exchange

Section: HIPAA		Subject: GRIEVANCE POLICY	
Controls Addressed:	Regulations	Controls	
	Security (A)	45 CFR 164.520(b)(1)(vi), 45 CFR 164.530(d)	
Applies to: <input checked="" type="checkbox"/> LPHI <input type="checkbox"/> PATH <input type="checkbox"/> Business Partner		Effective from: 8-1-2012	Revised on: 10-22-2019
Approved: 7-24-2012, 6/2019, 11/2019			
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I. PURPOSE

The Grievance policy is intended to establish a process for reviewing and resolving grievances regarding the Greater New Orleans Health Information Exchange (GNOHIE).

GNOHIE has implemented a range of policy and technical safeguards to protect the confidentiality of Protected Health Information (PHI). GNOHIE has the responsibility to provide a process by which patients may complain and/or make suggestions or other comments about HIE-related practices. GNOHIE requires Participating Organizations and Members to address certain complaints related to the GNOHIE at those sites as set forth in this policy.

II. SCOPE

This policy applies to GNOHIE and data stored within GNOHIE.

III. POLICY

A. The Participating Organizations and Members will accept complaints pertaining to the GNOHIE. The GNOHIE will make this policy known through educational materials and online resources.

B. All complaints are private, confidential and protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) guidelines. Access to information or documents regarding a complaint will be restricted to appropriate GNOHIE professional staff. Records related to complaints will be stored in a secure location either in hard copy or electronic format.

C. Neither the GNOHIE nor users who view information through the GNOHIE will retaliate, discriminate against, intimidate, coerce, or otherwise reprise patients or patient advocates related to the filing of a complaint.

IV. PROCEDURE

The Partnership for Achieving Total Health (PATH) will take responsibility for addressing complaints related to the GNOHIE. If the complaint is related to a Participating Organization or Member's use of the GNOHIE, the Participating Organization or Member will be notified to address the complaint or provide the complainant with a formal complaint form to be submitted to the GNOHIE. If the complaint is about a Participating Organization or Member's use of the GNOHIE and the complainant believes it has been inadequately addressed by the Participating Organization or Member, then the complainant may request that the GNOHIE facilitate resolution of the complaint. Examples of complaints related to the GNOHIE may include:

- Complaints about data entered into the GNOHIE (i.e., without authorization)
- Complaints about data viewed through the GNOHIE (i.e., without authorization)
- Complaints related to information management pertaining to the GNOHIE.

A. Complaints Addressed to Participating Organizations and Members

1. All Participating Organizations and Members must support an internal patient complaint process for the resolution of problems related to use of the GNOHIE.
2. Patients may file a complaint with Participating Organizations and Members for a complaint related to that site's use of the GNOHIE using a GNOHIE Patient Complaint Form. In these cases, the Participating Organization or Member shall take action to resolve the complaint directly with the patient. Patient complaints not related to the GNOHIE are solely the responsibility of the Participating Organization or Member.
3. All complaints received by a Participating Organization or Member, whether written or oral, shall be reviewed by the Participating Organization or Member Privacy Officer. An oral complaint received should be transcribed to the GNOHIE Patient Complaint Form. A response shall be made to any privacy complaint within thirty (30) days of the date of the Participating Organization or Member's receipt of the complaint, absent extenuating circumstances. Under extenuating circumstances, the Participating Organization or Member Privacy Officer may extend this deadline as necessary, so long as a letter explaining the reason for the delay and the date that the complainant can expect a disposition on the complaint is sent to the complainant prior to the expiration of the thirty (30) day deadline. The date the response is sent shall be documented by the Participating Organization or Member Privacy Officer on the GNOHIE Patient Complaint Form.
4. For any complaints that a Participating Organization or Member receives indicating that a breach of confidentiality related to the GNOHIE has or may have occurred that has otherwise not been resolved to the patient's satisfaction, the Participating Organization or Member will take action to resolve the complaint directly with the patient and the Participating Organization or Member shall also report the complaint to the GNOHIE. In such cases, the Participating Organization or Member shall assure that the details of the complaint are documented on a GNOHIE Patient Complaint Form, including the date the complaint was received and all related actions taken by the Participating Organization or

Member. The GNOHIE Patient Complaint Form should be forwarded to the GNOHIE Privacy Officer within seventy-two (72) hours.

5. If a Participating Organization or Member cannot resolve a patient complaint directly or if that Participating Organization or Member believes the complaint is in error and direct resolution is not possible, the Participating Organization or Member shall assure that the patient provides the details of the complaint on a GNOHIE Patient Complaint Form, including the date the complaint was received and all related actions taken by the Participating Organization or Member. The Participating Organization or Member shall forward the GNOHIE Patient Complaint Form to the GNOHIE Privacy Officer and such complaint will be considered an unresolved complaint to which the GNOHIE would respond.

6. Copies of all written GNOHIE Patient Complaint Forms shall be maintained by the Participating Organization or Member for seven (7) years.

B. Complaints Addressed to the GNOHIE

1. If a patient has complained to the Participating Organization or Member without satisfaction, the patient will be directed to file the complaint with the GNOHIE.

2. If patients have a complaint about data submitted to the GNOHIE improperly, the patient will be directed to file the complaint with the GNOHIE.

3. If the patient does not wish to complain to the Participating Organization or Member, the patient may address a concern directly to the GNOHIE. Complaints of this nature may be directed by patients, patient family members and patient advocates to the GNOHIE for review and resolution. The GNOHIE will notify the Participating Organization or Member of the nature of the complaint if it addresses actions by the Participating Organization or Member.

4. If a patient's complaint is related to the GNOHIE and not related to a Participating Organization or Member, the patient should address their concerns directly to the GNOHIE. Complaints of this nature may be directed by patients, patient family members and patient advocates to the GNOHIE for review and resolution.

C. Review of Complaints by GNOHIE

1. The GNOHIE will appoint a Privacy Officer and establish and maintain a standing subcommittee for consultation and review of complaints.

2. Any patient wishing to file a complaint with the GNOHIE shall, whenever possible, be offered a GNOHIE Patient Complaint Form upon which their complaint, suggestions, and/or other comments may be fully explained. Blank GNOHIE Patient Complaint Forms may be obtained from Participating Organizations or Members or from the GNOHIE.

3. Any privacy complaint made verbally to the GNOHIE shall be documented by the GNOHIE Privacy Officer on a blank GNOHIE Patient Complaint Form and in a Complaint Log maintained by the GNOHIE. Such documentation shall include: the date the complaint was made; the name and identity of the complainant; a description of the discussion in which the complaint was voiced; any suggestions made by the complainant; and the circumstances surrounding the complaint, including the identity of any individuals who are the subject of the complaint.
4. Upon the GNOHIE's receipt of a GNOHIE Patient Complaint Form by any party (HIE user site, patient, or third party advocate), the recipient of the GNOHIE Patient Complaint Form shall document the date of its receipt on the form and immediately forward the GNOHIE Patient Complaint Form to the GNOHIE Privacy Officer.
5. All complaints received by the GNOHIE, whether written or oral, shall be reviewed by the GNOHIE Privacy Officer. A response shall be made to any unresolved privacy complaint within thirty (30) days of the date of the GNOHIE's receipt of the complaint, absent extenuating circumstances. Under extenuating circumstances, the Privacy Officer may extend this deadline as necessary, so long as a letter explaining the reason for the delay and the date that the complainant can expect a disposition on the complaint is sent to the complainant prior to the expiration of the thirty (30) day deadline. The date the response is sent shall be documented by the Privacy Officer on the GNOHIE Patient Complaint Form.
6. Any complaint regarding a breach of confidentiality shall trigger the Breach Notification Policy.
7. Copies of all written GNOHIE Patient Complaint Forms shall be maintained by the GNOHIE for seven (7) years.
8. The disposition of a complaint shall be documented by the GNOHIE Privacy Officer. Whenever a verbal complaint is received and documented in the Complaint Log, the disposition of the complaint, as well as the date of the response, shall also be documented within the Complaint Log.
9. To maintain an effective and efficient Grievance policy and procedure, the GNOHIE will periodically self-evaluate its system of addressing complaints. Any resulting changes in policy or procedure will be brought before the GNOHIE Administrative Committee for approval prior to implementation.