

REFERENCE ID NUMBER: 004	POLICY TYPE: IT INFORMATION SECURITY MANAGEMENT
OWNER: CHAD PETERSON	DOCUMENT NAME: <b>COMPLAINT PROCESS POLICY</b>
EFFECTIVE DATE: 2/26/16	
REVISION DATE: 7/28/16	

## COMPLAINT PROCESS POLICY

### PURPOSE

The Koble-MN HIO provides a complaint process for any Individual or Participant to register a complaint.

### DEFINITIONS

**Authorized Users** are individuals who have been authorized by a Participant to participate in the HIO and may include, but are not limited to, health care practitioners, employees, contractors, agents, or business associates of a Participant.

**Individual** means a person who is the subject of Protected Health Information (PHI) and has the same meaning as the term "Individual" in 45 C.F.R. § 164.501 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. § 164.502(g).

**Participant** means an organization, health care practitioner or institution, health plan, or health care clearinghouse who has executed a written Participation Agreement and Business Associate Agreement with the Koble-MN HIO.

### WHO MAY FILE A COMPLAINT

An Individual or a person on behalf of an Individual may file a complaint concerning:

- the impermissible use, disclosure or disposal of Protected Health Information
- denials of access to Individual Protected Health Information
- retaliation against an individual for filing a complaint

A Participant or its Authorized Users, or member of the Koble-MN HIO workforce may file a complaint concerning the following issues:

- violation of policies and procedures
- the impermissible use, disclosure or disposal of Protected Health Information
- retaliation against an individual for filing a complaint

### COMPLAINTS RELATING TO A PARTICIPANT OR ITS AUTHORIZED USERS

Each Participant shall implement a process for workforce members, agents, contractors and Individuals to report any non-compliance with policies and a process for Individuals whose health information is shared through Koble-MN HIO to file a complaint with the Participant about impermissible disclosures and uses of information about them.

The Participant shall investigate the complaint and shall provide a written response to the complainant. The response must include information about how the complainant may forward the complaint to Koble-MN HIO if the complaint concerns Koble-MN HIO.

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## COMPLAINTS RELATING TO THE KOBLE-MN HIO

The complaint must be in writing and contain the complainant’s name and contact information. No personal health information should be included. Verbal complaints will not be accepted by Koble-MN HIO. Anonymous complaints will not be accepted by Koble-MN HIO. A Complaint Form is available at [www.KobleMN.org](http://www.KobleMN.org) or can be requested by calling Koble-MN HIO at 844-33-KOBLE. The complaint form may be submitted by mail or electronically (see instructions on form).

If the complaint relates to a suspected violation or breach of PHI, the complaint must be filed within 180 days from the date of becoming aware of a suspected violation.

Upon receipt of a written complaint, it will be immediately forwarded to:

KOBLE-MN HIO  
 PRIVACY OFFICER  
 3535 S. 31<sup>ST</sup> ST. SUITE 205  
 GRAND FORKS, ND 58201

Koble-MN HIO shall acknowledge receipt of the complaint within 2 business days.

Koble-MN HIO shall issue a written response to the Individual or Participant within 30 days of receipt of the complaint, unless under extenuating circumstances, Koble-MN HIO may extend this deadline and provide the Individual or Participant written notification of the delay.

The response must include information about how the complainant may forward the complaint to the Minnesota Department of Health, which oversees the health information exchange program in Minnesota.

If the complaint relates to Koble-MN HIO, the complaint shall be reviewed by the Koble-MN Privacy Officer and a designated sub-committee of the Koble-MN HIO Advisory Committee. All complaints will be duly investigated, findings documented and final disposition communicated back to complainant.

If the complainant is not satisfied by the Koble-MN HIO investigation, findings, and any proposed resolution of the complaint, the complainant may send the complaint to the Koble-MN HIO Advisory Committee via the CEO and may forward complaint to the Minnesota Department of Health, which oversees the health information exchange program in Minnesota.

The final disposition of a complaint shall be documented by Koble-MN HIO.

## GENERAL

Koble-MN HIO will maintain the confidentiality of the Individual who files a complaint.

Koble-MN HIO shall not retaliate, discriminate against, intimidate, coerce, or threaten any person who files a complaint.

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Documentation concerning a complaint including response and resolution shall be maintained by Koble-MN HIO for at least six (6) years.

Koble-MN HIO shall periodically analyze filed complaints to determine if persistent or recurrent problems exist and make recommendations to correct identified problems.

#### FILING A COMPLAINT WITH U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Individuals are encouraged to file a complaint with a Participant or the Koble-MN HIO to resolve an issue. However, an Individual or a person on behalf of an Individual may also file a complaint with the Secretary of the U.S. Department of Health and Human Services, Office of Civil Rights, within 180 days from the date of becoming aware of a suspected violation of the Individual's Protected Health Information or privacy rights.

#### REVISION HISTORY

DATE	DESCRIPTION OF REVISION	AUTHOR	APPROVAL DATE	APPROVED BY NAME & TITLE
7/28/16	Full review of Policy-See Advisory Committee Notes dated 7/28/16	Laurie Peters	7/28/16	Koble-MN Advisory Committee

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