Designation of HIPAA Privacy and Security Coordinators

Effective Date: April 1, 2003
Last Updated: March 26, 2020
Previously Updated: November 22, 2019, September 3, 2014

Who This Policy Applies To
Applies to all members of the UW-Madison Health Care Component.

Rationale
In enacting HIPAA, Congress mandated the establishment of Federal standards for the privacy of individually identifiable health information. Under the patchwork of laws existing prior to adoption of HIPAA and the Privacy Rule, personal health information could be distributed—without either notice or authorization—for reasons that had nothing to do with a patient’s medical treatment or health care reimbursement. For example, unless otherwise forbidden by State or local law, without the Privacy Rule patient information held by a health plan could, without the patient’s permission, be passed on to a lender who could then deny the patient’s application for a home mortgage or a credit card, or to an employer who could use it in personnel decisions. The Privacy Rule establishes a Federal floor of safeguards to protect the confidentiality of medical information. State laws which provide stronger privacy protections apply over and above the new Federal privacy standards.

Policy Detail
1. **HIPAA Privacy Coordinator.** The Dean or Director of each Unit must designate a person or person(s) to act as the Unit’s HIPAA Privacy Coordinator. The UW-Madison HIPAA Privacy Officer or designee functions in this role for the “central campus” administrative personnel and offices named at Section 8. of HIPAA Policy 1.1 “Designation of UW-Madison Health Care Component.”

2. The HIPAA Privacy Coordinator shall be responsible for the following:
2.1 Ensuring that his/her Unit has developed procedures as required by campus policies to ensure compliance with the Privacy Rule;

2.2 Acting as a point of contact for faculty, staff, and students within the Unit regarding issues related to privacy and Privacy Rule compliance;

2.3 Acting as a point of contact for complaints that arise from patients, research subjects, or other individuals or offices regarding HIPAA-covered functions or activities within the Unit;

2.4 Acting as the Unit’s liaison with the UW-Madison HIPAA Privacy Officer regarding issues related to privacy and Privacy Rule compliance;

2.5 Ensuring that each workforce member (as that term is defined by HIPAA) within the Unit takes the appropriate level of HIPAA training by the applicable deadline;

2.6 Performing other functions as designated in the UW-Madison policies implementing the Privacy Rule; and

2.7 Making reports to the UW-Madison Privacy Officer, as requested, on the items above.

3. HIPAA Security Coordinator. The Dean or Director of each Unit within the UW HCC must designate a person or person(s) to act as the Unit’s HIPAA Security Coordinator. The HIPAA Security Officer functions in this role for the “central campus” administrative personnel and offices named at Section 8. of HIPAA Policy 1.1 “Designation of UW-Madison Health Care Component.”

4. The HIPAA Security Coordinator shall be responsible for the following:

4.1 Ensuring that his/her Unit has developed procedures as required by campus policies to ensure compliance with: (a) the security/technical safeguards provisions of the Privacy Rule; and (b) the Security Rule;

4.2 Acting as a point of contact for faculty, staff, and students within the Unit regarding issues related to information technology security and Security Rule compliance;

4.3 Acting as the Unit’s liaison with the UW-Madison HIPAA Security Officer regarding issues related to information technology security and Security Rule compliance;

4.4 Performing other functions as designated in the UW-Madison policies implementing the Security Rule; and

4.5 Making reports to the UW-Madison HIPAA Security Officer, as requested, on the items above.

5. Designation of Coordinators.

5.1 The Dean or Director of each Unit shall designate the Unit’s HIPAA Privacy and Security Coordinators and shall notify the UW-Madison HIPAA Privacy Officer and HIPAA Security Officer of these designations promptly upon any change.

5.2 A Unit may designate the same person to serve as its HIPAA Privacy and HIPAA Security Coordinators, and may designate more than one person to function as a HIPAA Security Coordinator if the needs of the Unit warrant doing so and so long as the obligations stated in Section 4. of this policy are met.
6. Documentation Requirements

The Dean or Director of each Unit shall ensure the Position Description for its designated HIPAA Privacy and Security Coordinators references this policy and/or includes a listing of the specific responsibilities enumerated in this policy.

Consequences for Non-Compliance

Failing to comply with this policy may result in discipline for the individual(s) responsible for such non-compliance.

Further, the US Department Health and Human Services (HHS) Office for Civil Rights (OCR) is responsible for enforcing the HIPAA Privacy and Security Rules, and an individual’s non-compliance may result in institutional non-compliance and/or an investigation by OCR. OCR attempts to resolve investigations by obtaining voluntary compliance and entering into Corrective Action Plans and Resolution Agreements. Failures to comply with HIPAA or cooperate with OCR in an investigation may result in civil and/or criminal penalties.

Supporting Tools

Additional information may be found at www.compliance.wisc.edu/hipaa

Definitions

1. **Unit**: A health care provider unit of the UW-Madison campus that has been designated as part of the UW-Madison Health Care Component.

2. **UW-Madison Health Care Component** (“UW HCC”): Those units of the University of Wisconsin-Madison that have been designated by the University as part of its health care component under HIPAA. See HIPAA Policy 1.1 “Designation of UW-Madison Health Care Component” for a listing of these units.

3. **UW-Madison HIPAA Privacy Officer**: The individual appointed by the University of Wisconsin-Madison to be the Privacy Officer as required by the HIPAA Privacy Rule.

4. **UW-Madison HIPAA Security Officer**: The individual appointed by the University of Wisconsin-Madison to be the Security Officer as required by the HIPAA Security Rule.

Responsibilities

HIPAA Privacy Officer
HIPAA Security Officer

Link to Current Policy

[TBD]

Link to Related Policies

https://compliance.wisc.edu/policies-and-forms/
**Link to Policy History**

N/A

**Review / Approval**

- HIPAA Executive Board, March 26, 2020
- HIPAA Privacy and Security Operations Committee, September 12, 2019