

policy

**BOARD OF EDUCATION
VICKSBURG COMMUNITY SCHOOLS**

PROFESSIONAL STAFF
3419.01/page 1 of 4

PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

The Board of Education may provide coverage to eligible employees under self-funded group health plans. The Board may establish the following self-funded group health plans:

- A. [Medical Plan](#)
- B. [Prescription Drug Plan](#)
- A.C. Dental Plan
- B.D. Health Flexible Spending Accounts (FSA)

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Asst. Superintendent to serve as the Privacy Official of the group health plans. ~~The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law. The Board delegates authority to the Privacy Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. In the event that the HIPAA Privacy Rule is subsequently amended, the Privacy Official is directed to recommend to the Board necessary amendments to the internal policies and procedures.~~

~~The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Asst. Superintendent to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. In the event that the HIPAA~~

policy

**BOARD OF EDUCATION
VICKSBURG COMMUNITY SCHOOLS**

PROFESSIONAL STAFF
3419.01/page 2 of 4

~~Security Rule is subsequently amended, the Security Official is authorized to recommend to the Board necessary amendments to the policies and procedures.~~

policy

**BOARD OF EDUCATION
VICKSBURG COMMUNITY SCHOOLS**

PROFESSIONAL STAFF
3419.01/page 3 of 4

The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Asst. Supt. to serve as the Security Official of the group health plans. The Security Official shall conduct a risk analysis and to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.

The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the HIPAA Administrative Guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board ~~upon request. The Board reserves the right to revoke any or all delegations set forth in this policy at any time and for any reason.~~

~~Since the~~The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties (CMP) for violations of the HIPAA Privacy Rule and the HIPAA Security rule, upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official ~~for any CMP imposed upon the Privacy Official or Security Official~~ in connection with the performance of his/her~~their delegated~~ duties for the group health plans. ~~Notwithstanding the foregoing language, the Board shall not indemnify the Privacy Official or Security Official in the event the CMP, except to the extent that any liability is was~~ imposed as the result of intention misconduct or gross negligence by the Privacy Official or Security Official ~~as defined by law.~~

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

45 C.F.R. 164.530
45 C.F.R. 164.308

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policy

**BOARD OF EDUCATION
VICKSBURG COMMUNITY SCHOOLS**

PROFESSIONAL STAFF
3419.01/page 4 of 4

[29 C.F.R. Part 1635](#)

[42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act](#)

42 U.S.C. 1320d-5(a)(1)

45 U.S.C. 160.102(a), 164.308(a)(2), 164.530(a), 164.530(i)

Adopted 12/11/06

Revised 11/8/10

Revised 4/20/15

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