

## **HIPAA PRIVACY RULE: EDUCATION OF COVERED WORKFORCE**

### **I. POLICY:**

It is USC's<sup>1</sup> policy to provide education to its faculty, staff, students and other employees or volunteers who use, disclose or access Protected Health Information<sup>2</sup> as part of their job responsibilities at USC.

All individuals who are members of the Covered Workforce must complete the USC HIPAA Education Program ("Education Program"). All new members of the Covered Workforce must complete the Education Program within thirty (30) days of beginning their employment with USC.

### **II. PROCEDURES:**

#### **A. USC Covered Workforce Members Required to Complete Education Program**

USC is required to provide education to its faculty, staff, employees, students, volunteers and trainees who:

- Perform treatment, payment or health care operations at the direction of USC (*see* USC HIPAA Policy CLIN – 201); and
- Access Protected Health Information belonging to and maintained by USC in the course of performing such functions ("Covered Workforce").

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<sup>1</sup> For purposes of the HIPAA Privacy Rule, USC includes those entities that comprise Keck Medicine of USC, including but not limited to, USC Norris Cancer Hospital, Keck Hospital of USC, USC's employed physicians, nurses and other clinical personnel, those units of USC that provide clinical services within the Keck School of Medicine, School of Pharmacy, the Herman Ostrow School of Dentistry, Physical and Occupational Therapy as well as USC Care Medical Group, affiliated medical foundations of Keck and their physicians, nurses and clinical personnel, USC Verdugo Hills Hospital, its nurses and other clinical personnel, Verdugo Radiology Medical Group, Verdugo Hills Anesthesia, and Chandnish K. Ahluwalia, M.D., Inc. and those units that support clinical and clinical research functions, including the Offices of the General Counsel, Audit and Compliance.

<sup>2</sup> Protected Health Information is defined as any health information created or received by a health care provider that:

- (1) identifies an individual; and
- (2) relates to that individual's past, present or future physical or mental health condition or to payment for health care.

1. Treatment. Examples include consultations between health care providers who are treating a common patient; referrals to other health care providers; coordination of health care.
2. Payment. Examples include disclosures to collection agencies; disclosures for utilization review requests; disclosures for claims management.
3. Health care operations. Examples include the many administrative tasks required to operate a health care practice, such as:
  - i. Quality assessment and improvement, peer review, legal, auditing and compliance, business management, general administrative functions, and customer service.
  - ii. Operations also include clinical training of students and residents.

B. Categories of Covered Workforce.

At minimum, the following categories of individuals who are employed, engaged by or who work at the direction of USC, and who access Protected Health Information maintained by USC are considered to be members of USC's Covered Workforce, and will be required to complete the Education Program:

- i. Licensed Practitioners, including physicians, dentists, pharmacists, independent health professionals, social workers, counselors, and other clinical personnel, medical personnel, technicians and supporting clinical, clerical, billing and administrative staff;
- ii. Researchers who conduct research that involves treatment (e.g., clinical trials);
- iii. Researchers who de-identify research information or create limited data sets in accordance with the HIPAA Privacy Rule;
- iv. Individuals who use or receive PHI to conduct fundraising activities on behalf of USC;

- v. Individuals who use or receive PHI to conduct marketing activities on behalf of USC;
- vi. Individuals who provide health care operations functions, including clinical administrators, billing services and other back office functions, legal, compliance and information systems support;
- vii. Any other individual who performs a treatment, payment or health care operation function on behalf of USC and under the direction and control of USC, and who is not otherwise a business associate (*see* USC HIPAA Policy BUS - 701 for a description of business associates).

C. Identification of Non-Workforce Members Required to Complete Education Program or Alternative HIPAA Training

Individuals who do not qualify as Workforce Members as defined above may also be required to complete the Education Program or alternative HIPAA training at USC's discretion, which could include, attending a live HIPAA training, reviewing written HIPAA materials, or providing certification of the completion of third-party HIPAA training in lieu of completing USC's Education Program.

Those individuals include, but are not limited to the following:

1. USC students, residents or fellows who do not provide treatment, payment or health care operations activities, but may participate in clinical training or other health care related educational activities.
2. USC researchers and their staff who are involved or engaged in research participant research and use or receive USC protected health information and whose research does not involve treatment.
3. USC volunteers, observers and other individuals who are not employed, engaged by or who work at the direction of USC for more than a brief, temporary period of time.
4. Certain USC third parties, such as industry representatives, who have access to USC patient health information as part of their business relationship with USC.

D. Timing of Education and Enforcement

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All members of the Covered Workforce are expected to complete the Education Program no later than thirty (30) days after beginning employment, providing services or assuming such new roles.

1. Faculty physicians must complete the HIPAA education in order to be appointed or reappointed to USC Care and the medical staff of Keck Medical Center. Clinical faculty in the Herman Ostrow School of Dentistry must complete the education in accordance with its credentialing practices.
2. Hospital employees and KSOM clinical staff must complete the education in connection with their job responsibilities.
3. Researchers and research staff who conduct human subjects research and access Protected Health Information are required to complete the Education Program in order to obtain review and approval of their respective research from the applicable USC Institutional Review Board (IRB).
4. Students who access Protected Health Information as part of their education will be required to be educated about the HIPAA Privacy Rule as part of their training and education. Students may be required to complete the Education Program to satisfy this obligation.
5. Departments and/or other units that employ or engage Covered Workforce members such as clinical personnel, medical personnel, technicians and supporting clinical, clerical, billing and administrative staff, are responsible for ensuring that all such Covered Workforce members complete the Education Program by the appropriate deadlines.

E. Development of Additional Training Modules or other Programs

USC may periodically:

1. Add specialized mandatory or voluntary chapters to the Education Program to educate particular members of USC's workforce, individual schools, departments or entities or others; and/or
2. Update the existing Education Program and/or chapters contained therein to educate individuals about changes in California privacy laws, federal

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privacy laws or in the HIPAA Privacy Rule, and/or of changes to USC privacy policies and practices.

USC, at its discretion, may require designated individuals to complete training on all such additional and/or revised chapters as it deems necessary.

F. Documentation

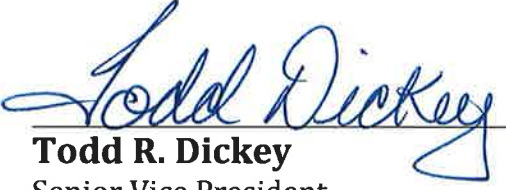
USC's Office of Compliance maintains records regarding the date of completion of the Education Program by all Covered Workforce. Alternative forms of HIPAA training for non-Covered Workforce members should be tracked by the appropriate supervisor, or in the case of industry representatives, in the RepTrax database.

**Additional References**

45 CFR §164.530(b)

**Responsible Office:** Office of Compliance  
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(213) 740-8258

  
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