HIPAA PRIVACY RULE: EDUCATION OF COVERED WORKFORCE

I. Policy

It is USC’s policy to provide education to its faculty, staff, students and other employees or volunteers who access health information as part of their job responsibilities at USC.

USC has developed a comprehensive web-based education program ("Education Program") designed to comply with the HIPAA Privacy Rule and educate its Covered Workforce and others who use, disclose or access Protected Health Information (PHI) maintained by USC as part of their functions or job responsibilities.

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

II. Procedures

A. USC 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 (refer to USC Policy CLIN – 201); and

---

1 For purposes of the HIPAA Privacy Rule, USC includes 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 School of Pharmacy, the Herman Ostrow School of Dentistry, Physical and Occupational Therapy as well as the Keck Doctors of USC, those units that support clinical and clinical research functions, including the Offices of the General Counsel, Audit and Compliance.

2 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.
• Access PHI belonging to and maintained by USC in the course of performing such functions ("Covered Workforce").

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 PHI maintained by USC, will be required to satisfy the education requirement:

i. Licensed practitioners, including physicians, dentists, pharmacists, independent health professionals 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 conduct fundraising on behalf of USC;

v. Individuals who conduct marketing 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

Individuals who do not qualify as Workforce Members as defined above may also be required to complete the 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 human subjects research and use or receive PHI and whose research does not involve treatment.

D. Enforcement

All members of the Covered Workforce are expected to complete the Education Program no later than thirty 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 USC University Hospital and Norris Cancer Hospital. 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 PHI 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 PHI 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. Specifically, the compliance liaisons are responsible for assisting in ensuring that the Covered Workforce in their respective units have completed the program.

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

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

F. Documentation

USC’s Office of Compliance will maintain records regarding the time and date of completion of the Education Program by all individuals. This information also will be accessible on the compliance website so that departments and units may track compliance.
Additional References

45 CFR §164.530(b)

**Responsible Office:** Office of Compliance
http://ooc.usc.edu/complian@usc.edu
(213) 740-8258