

COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter Program Quality	Section HIPAA	Chapter 05	Section 03	Subject 16
Subject Complaints and Investigations	Authorization		Approved: 04/08/03 Replaces: None	

Reviewed/No Updates: March 2021; Updated March 2022

- I. PURPOSE:** To establish policy and procedure regarding complaints and investigations of violations of HIPAA compliance.

- II. APPLICATION:** All programs under the authority of the Community Mental Health Authority (CMHA) including the members of the CMHA Board.

- III. DEFINITIONS:** None

- IV. POLICY:** CMHA shall investigate complaints of violations of the HIPAA Privacy Rule.

- V. PROCEDURE:** Any person may file a complaint concerning CMHA’s HIPAA policies and procedures or its compliance with those policies and procedures.
 - 1. Complaints may be filed with CMHA’s Privacy Officer, or with the U.S. Department of Health and Human Services, Office of Civil Rights Division, 200 Independence Avenue, S.W. Suite 509F HHH Building Washington, D.C. 20201.
 - 2. Complaints must be in writing by mail (see address above), fax at 202-619-3818, email at OCRComplaint@hhs.gov, or via the OCR Complaint Portal at <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf> or by calling the OCR at 800-368-1019, TDD line at 800-537-7697, and filed within 180 days of when the complainant knew, or should have known, the act or omission complained or occurred.
 - 3. CMHA may not intimidate, threaten, coerce, discriminate, or retaliate against any person for filing a complaint or for assisting in an investigation of a complaint.
 - 4. Complaints received by CMHA will be investigated by the Privacy Officer. The Privacy Officer will document all complaints received and their disposition.

- VI. REFERENCES AND LEGAL AUTHORITY:** 45 CFR Part 164 Section 530; U.S. Department of Health & Human Services-Health Information Privacy Webpage: <https://www.hhs.gov/hipaa/filing-a-complaint/complaint-process/index.html?language=es>

- VII. EXHIBITS:** None