

HIPAA Violation Sanctions Policy

It is the policy of Marketware, Inc. to take appropriate disciplinary action against its employees, contract agency employees, or individuals granted access from other companies, who violate Marketware's privacy policies or state, or federal confidentiality law or regulation, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Purpose: To ensure that there are appropriate sanctions that will be applied to employees who violate the requirements of the HIPAA Privacy Rule and/or the Marketware HIPAA Privacy policy.

Violations: Listed below are the types of violations that require sanctions to be applied. They are stated at levels 1, 2, and 3 depending on the seriousness of the violation.

Levels	Description of Violation
Level 1	<ul style="list-style-type: none"> • Accessing information that you do not need to know to do your job. • Sharing computer access codes (user name & password). • Leaving computer unattended while you are logged into any program that contains PHI. • Disclosing confidential or patient information with unauthorized persons. • Copying information without authorization. • Changing information without authorization. • Discussing confidential information in a public area or in an area where the public could overhear the conversation. • Discussing confidential information with an unauthorized person. • Failing/refusing to cooperate with the Security or Privacy Officer.
Level 2	<ul style="list-style-type: none"> • Second occurrence of any Level 1 offense (does not have to be the same offense). • Unauthorized use or disclosure of PHI. • Using another person's computer access code (user name & password). • Failing/refusing to comply with a remediation resolution or recommendation.
Level 3	<ul style="list-style-type: none"> • Viewing, copying, giving, selling, or otherwise using PHI data for personal use or gain

Disciplinary Actions: In the event that an individual violates Marketware's privacy and security policies and/or violates the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or related state laws governing the protection

of confidential and patient identifiable information, the following disciplinary actions will apply.

Violation Level	Disciplinary Action
1	<ul style="list-style-type: none"> • Verbal or written reprimand • Retraining on privacy/security awareness • Retraining on DBH privacy and security policies and civil and criminal prosecution • Retraining on the proper use of internal/required forms
2	<ul style="list-style-type: none"> • Letter of Reprimand; or suspension • Retraining on HIPAA awareness • Retraining on DBH's privacy and security policies and how it impacts the said employee and said employee's department • Retraining on the proper use of internal forms and HIPAA required forms
3	<ul style="list-style-type: none"> • Termination of employment or contract • Expulsion from training program • Civil penalties as provided under HIPAA or other applicable Federal/State/Local law

Important Note: The recommended disciplinary actions are identified in order to provide guidance in policy enforcement and are not meant to be all-inclusive. If formal discipline is deemed necessary, the SO shall consult with the CEO prior to taking action. When appropriate, progressive disciplinary action steps shall be followed allowing the employee to correct the behavior which caused the disciplinary action.

Exceptions: Depending on the severity of the violation, any single act may result in disciplinary action up to and including termination of employment or contract with Marketware.