

Privacy Official Job Description: Position Overview

164.530 – Administrative Requirements

(a)(1) Standard: Personnel designations

- (i) *A covered entity must designate a privacy official who is responsible for the development and implementation of the policies and procedures of the entity.*
- (ii) *A covered entity must designate a contact person or office who is responsible for receiving complaints under this section and who is able to provide further information about matters covered by the notice of privacy practices.*

(a)(2) Implementation specification: Personnel designations A covered entity must document the personnel designations in written or electronic form and maintain for six years.

The privacy official serves as the designated official responsible for a company's HIPAA privacy compliance program. The privacy official oversees the development, implementation, operation, and enforcement of the compliance program. The privacy official must be designated in a written format. The position of privacy official is such that it does not only involve preparing for HIPAA, it will become a permanent responsibility and the person designated should be the focal point for all privacy activities of the pharmacy. The privacy official could be the owner/operator but could also include someone such as a pharmacist or technician who is organized and is good at documentation. The person designated should also have good communication and people skills. The privacy official should seek input from other pharmacy personnel to create a team like atmosphere and to make sure that all areas are covered and potential problems recognized.

Because security and privacy go hand in hand, it would make sense in small pharmacies for the privacy official to also be the security official. However, there are some slightly different skills involved and if the same person fills both positions, the person should have a working knowledge of the electronic systems used by the pharmacy and an understanding of security procedures.

Sample Responsibilities of the Privacy Official

- Gain a working knowledge of the privacy rules and state laws affecting privacy.
- Do an assessment of the current status of the pharmacy's privacy efforts and determine what members of the workforce come into contact with protected health information (PHI). Do not overlook areas such as accounting, janitorial staff, and delivery personnel.
- Work with management to develop and implement a privacy compliance program. In larger pharmacies, there could be someone appointed to assist the privacy official in this task.

- Develop policies and procedures related to privacy or modify existing policies and procedures to meet privacy standards. Include policies for a Notice of Privacy Practices (NPP); minimum necessary use and disclosure of protected health information (PHI); access, inspection, and copying of PHI; amendment of PHI; accounting for disclosures of PHI; record-keeping procedures; and other administrative procedures.
- Based on policies and procedures, develop a NPP and method to record receipt of acknowledgement of receipt of the NPP by patients.
- Assist in the development and implementation of business associate agreements to ensure that all privacy requirements are adequately addressed. Develop a way to track and track and monitor the agreements.
- Develop and implement a privacy training program to ensure that all workforce members understand and comply with the pharmacy's privacy policies and procedures.
- Establish and monitor a system for receiving questions and complaints regarding the privacy program, ensure that the Notice of Privacy Practices includes a method for contacting the pharmacy regarding privacy matters, and document complaints and their resolution. The privacy official should be the pharmacy's authority on privacy matters.
- Develop methods of investigating allegations of noncompliance with the company's privacy policies and work with management to set appropriate sanctions for noncompliance by employees and business associates.
- Make periodic reports to management on the status of the privacy program.
- Develop and implement corrective action procedures to mitigate the effects of prohibited use or disclosure of PHI by workforce members or business associates.
- Maintain current knowledge of applicable standards and revise the privacy compliance program as necessary to reflect changes in the law or company policy.
- Serve as an internal resource for all privacy-related matters and cooperate with external parties in any compliance reviews or investigations.