

Sanction Policy

1. Introduction

- a. Clark County has adopted this Sanction Policy to comply with our duties under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), the Department Health and Human Services (“DHHS”) security and privacy regulations, the Joint Commission on Accreditation of Healthcare Organizations (“JCAHO”) accreditation standards, as well as our duty to protect the confidentiality and integrity of confidential medical information as required by law, professional ethics, and accreditation requirements.
- b. All personnel of Clark County must comply with this policy. Familiarity with this policy and demonstrated competence in the requirements of the policy are an important part of every employee’s responsibilities.

2. Policy

- a. Any officer, employee, or agent of Clark County who believes that another officer, employee, or agent of Clark County has breached Clark County’s Security Policy or the policies and standards promulgated to carry out the objectives of the Security Policy or otherwise breached the integrity or confidentiality of patient or other sensitive information should immediately report such breach to his or her superior or to the Privacy Officer.
- b. The Privacy Officer will conduct a thorough and confidential investigation into the allegations. Clark County will inform the complainant of the results of the investigation and any corrective action taken. Clark County will not retaliate against or permit reprisals against a complainant. Allegations not made in good faith, however, may result in discharge or other discipline.
- c. As noted in Clark County’s employee handbook, Clark County has a progressive discipline policy under which sanctions become more severe for repeated infractions. This policy, however, does not mandate the use of a lesser sanction before Clark County terminates an employee. In the discretion of management, Clark County may terminate an employee for the first breach of Clark County’s security policy or individual policies and standards if the seriousness of the offense warrants such action. An employee could expect to lose his or her job for a willful or grossly negligent breach of confidentiality, willful or grossly negligent destruction of computer equipment or data, or knowing or grossly negligent violation of HIPAA, its implementing regulations, or any other federal or state law protecting the integrity and confidentiality of patient information and may lose his or her job for a negligent breach of Clark County’s standards for protecting the integrity and confidentiality of patient information. For less serious breaches, management may impose a lesser sanction, such as a verbal or written warning, verbal or written reprimand, loss of access, suspension without pay, demotion, or other sanction. In addition, Clark County will seek to include such violations by contractors as a ground for termination of the contract and/or imposition of contract penalties.

- d. Violation of Clark County's security policy or individual policies and standards may constitute a civil or criminal offense under HIPAA, other federal laws, such as the Federal Computer Fraud and Abuse Act of 1986, 18 U.S.C. § 1030, or state laws. Any employee or contractor who violates such a criminal law may expect that Clark County will provide information concerning the violation to appropriate law enforcement personnel and will cooperate with any law enforcement investigation or prosecution.
- e. Violations of Clark County's security policy or individual policies and standards may violate professional ethics and be grounds for professional discipline. Any individual subject to professional ethics guidelines and/or professional discipline should expect Clark County to report such violations to appropriate licensure/accreditation agencies and to cooperate with any professional investigation or disciplinary proceedings.

This Sanction Policy is intended as a guide for the efficient and professional performance of duties of Clark County's officers, employees, and agents to protect the integrity and confidentiality of medical and other sensitive information. Nothing herein shall be construed to be a contract between the employer and the employee. Additionally, nothing in this Sanction Policy is to be construed by any employee as containing binding terms and conditions of employment. Nothing in this Sanction Policy should be construed as conferring any employment rights on employees or changing their status from "at-will employees." Although subject to other regulations, Clark County retains the absolute right to terminate any employee, at any time, with or without good cause. Change to the contents of this Sanction Policy as it deems necessary with or without notice.