Policy Number: HC-18	Page: 1	Of: 1
Title: Notice of Privacy Practices		
Regulatory Authority: HIPAA Regulations, FERPA Regulations, ORC, OAC		
Effective Date: 01/19/2021		
Reviewer/Job Title: Director of Operations		

(A) NON-INTIMIDATION AND NON-RETALIATION

HCBDD will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against individuals who exercise any right, not against staff or other individuals who express the opinion that HCBDD policies are not consistent with the law, or not being implemented properly. HCBDD will not require any individual receiving services to waive any of his/her rights under HIPAA as a condition of education, treatment, or enrollment.

1) **HCBDD will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against:**
   a) **Individuals Receiving Services**. Any Individual for the exercise by the individual of any right under, or for participation by the individual in any process established by the HIPAA compliance rule;
   b) **Individuals receiving Services and others**. Any Individual receiving services, or other person for:
      i) Filing of a complaint with the Secretary under HIPAA compliant;
      ii) Testifying, assisting or participating in an investigation, compliance review, proceedings or hearing under Part C of Title XI; or
      iii) Opposing any act or practice made unlawful by HIPAA compliance rules, provided the individual or person has a good faith belief that the practice opposed is unlawful, and the manner of the opposition is reasonable and does not involve a disclosure of protection health information.
2) **Retaliatory action is defined as doing any of the following**:
   a) Removing or suspending the employee from employment;
   b) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
   c) Denying the employee a promotion that would have otherwise been received;
   d) Transferring or reassigning the employee;
   e) Reducing the employee in pay or position.
3) **Non-retaliation statement**. A person who in good faith brings a complaint will not be subject to retaliation. Retaliation against any person who falls within this definition, either individual served or staff member of HCBDD, is strictly prohibited.
4) **Prohibition against Waiver of Rights**. No office, program, facility or employee of the HCBDD shall require individuals to waive any of their rights under HIPAA as a condition of treatment, payment, and enrollment in a health plan or eligibility for benefits.
5) HCBDD will also follow the whistleblower policy as appropriate.