

**HIPAA Privacy Policy #42
Complaints**

Effective Date: January 22, 2020	Refer to Privacy Rule Sections: 164.530
Authorized by: Equinox Board of Directors	Version #:

Policy: Equinox, Inc. will comply with the following procedures in responding to complaints made by patients and their personal representatives regarding Equinox, Inc.’s compliance with its Privacy and Security Policies.

Procedures:

1. Direct Complaints to Privacy Officer: Equinox, Inc. personnel shall direct all complaints made by patients and their personal representatives regarding Equinox, Inc.’s compliance with its Privacy and Security Policies to Equinox, Inc.’s Privacy Officer.
2. Reduce the Complaint to Writing: The Privacy Officer shall reduce the complaint to writing or by having the complainant complete the relevant portion of Attachment 1 form entitled “Privacy Rights Complaint Form.”
3. Complaints to Department of Health & Human Services: Patients and their personal representatives may file a complaint with Equinox, Inc. or the Department of Health and Human Services, Office of Civil Rights if they believe their privacy or security rights have been violated. Equinox, Inc. shall not require patients to waive their rights to file a complaint with the Secretary concerning Equinox, Inc.’s Privacy and Security Practices as a condition of treatment, payment, enrollment in a health plan, or eligibility for benefits.
4. Complaint Investigations: The Privacy Officer shall ensure that all complaints are thoroughly investigated. Equinox, Inc. shall cooperate with an investigation of Equinox, Inc.’s Privacy and Security Practices undertaken by the United States Department of Health and Human Services. The Privacy Officer shall immediately be notified of such an investigation and the Privacy Officer shall coordinate Equinox, Inc.’s response to such an investigation. See Attachment 2 form entitled “Privacy Rights Complaint Investigation Form.”
5. Respond to Founded Complaints: If the Privacy Officer determines that a complaint is founded, the Privacy Officer shall promptly: *45 C.F.R. § 164.530(e) and (f)*.
 - a. Impose Sanctions: The Privacy Officer shall ensure that appropriate sanctions are imposed against members of Equinox, Inc.’s Workforce who violated Equinox, Inc.’s Privacy Policies in accordance with Equinox, Inc.’s Policy No. 41 entitled “Violations of Policies and Procedures”; and

- b. Mitigate Damages: The Privacy Officer shall ensure that appropriate steps are taken to mitigate any damage related to the violation in accordance with Equinox, Inc.'s Policy No. 41 entitled "Violations of Policies and Procedures."
- 6. Disposition of Complaints: The Privacy Officer shall record the disposition of all direct Complaints by completing the relevant portion of the Complaint Form.

Attachment 1

Privacy Rights Complaint Form

Any patient or patient representative has the right to file a complaint if the patient believes that Equinox, Inc. has not adequately protected the health information entrusted to us or has violated any patient rights with respect to Protected Health Information. To file a complaint, you may complete this form and return it to: Privacy Officer, Equinox, Inc., 500 Central Avenue, Albany, NY 12206.

Please provide the following:

Patient's Name: _____

Date of Birth: _____

Phone Number: _____

Address: _____

I am submitting a complaint about (please indicate the health care provider):

Please describe the privacy concern:

(Signature of Person)

(Date)

For Internal Use Only:

Date of receipt of complaint: _____

Action taken:

Attachment 2

Privacy Rights Complaint Investigation Form

Patient Name: _____ Date of Complaint: _____

Name of Complainant: _____ Complainant's Telephone #: _____

Complainant's relation to Patient (if complainant is not Patient): _____

Nature of Complaint: (include date of alleged incident) _____

The Section below is to be completed by Equinox, Inc.'s Privacy Officer or Designee.

Date(s) of Investigation: _____

Investigation Completed by: _____

Description of Investigation (witnesses investigated, documents reviewed, etc.): _____

Check one:

Complaint was **substantiated**

Complaint was **unsubstantiated**

If Complaint was founded, what steps were taken (e.g., sanctions or mitigation):

