

The University of Texas SOUTHWESTERN MEDICAL CENTER At Dallas	Privacy Compliance Program Privacy Manual Section 11: Workforce Training Policy No: 11 Last Revised: April 23, 2003 Effective Date: April 14, 2003
Workforce Training	

POLICY:

UT Southwestern will train all members of its Workforce on UT Southwestern’s privacy policies and procedures with respect to PHI as necessary and appropriate to carry out their functions within UT Southwestern.

PROCEDURE:

1. General Training Principles.
 - a. UT Southwestern will train all members of its Workforce on its policies and procedures with respect to PHI as necessary and appropriate for the members of the Workforce to carry out their particular functions within UT Southwestern. For further discussion of functions of the Workforce, see Section 7.1 of this Manual, which sets forth the policy and procedures for Workforce and PHI Classifications.
 - b. UT Southwestern recognizes that the training requirements in the Privacy Laws are flexible and scalable, depending on such factors as the size and resources of UT Southwestern, as well as the extent to which the Workforce member has contact with PHI as part of his or her job duties.

2. Responsibility for Training.
 - a. Privacy Manual. The Privacy Officer or designee is responsible for training the Workforce, as necessary and appropriate, on the policies and procedures set forth in the Privacy Manual.
 - b. IRB Policies and Procedures. The Privacy Officer, in coordination with Research Services, will be responsible for training all Workforce who come in contact with PHI through research activities on the privacy policies and procedures.
 - c. Departmental Policies and Procedures. Individual departments will be responsible for training members of their departments on departmental level policies and procedures for PHI.

3. Content of Training.
 - a. Responsibility and Scope. The office or department that is responsible for training under Paragraph 2 of this Policy will identify members of the Workforce who will be required to receive training on the policies and procedures within

their area of responsibility and will establish the nature and scope of the training content that is pertinent for the type of Workforce member. These decisions will be made consistent with Section 7.1 of this Manual, which sets forth the policy and procedure for Workforce and PHI Classifications. All Workforce will be trained on reporting privacy violations to the Privacy Officer.

- b. Consistency. Training materials and methods will be standardized across the institution where possible.
- c. Tests. Training materials and methods are encouraged to include competency tests to evaluate training effectiveness.

4. Frequency of Training

- a. Initial Training. Initial training will occur for each existing Workforce member no later than the compliance date of April 14, 2003. Initial training will be completed by each new employee within thirty (30) days after the person joins the Workforce.
- b. Ongoing Training.
 - i. Material Changes. The office or department that is responsible for training will provide timely training to Workforce members addressing material changes to the policies and procedures within their area of responsibility.
 - ii. Periodic Training. Workforce may also periodically be required to undergo more specific levels of training or refresher training where appropriate.
 - iii. Remedial. Particular members of the Workforce may be assigned to undergo specified repeat training to the extent areas of material noncompliance are identified for remediation in connection with that Workforce member.
 - iv. UT Southwestern reserves the right to require selected members of the Workforce to complete mandatory refresher training at a frequency to be determined by the Steering Committee.

5. Training Delivery Methods

- a. Distribution of Information. The Privacy Officer or designee will make available the Privacy Manual members of the Workforce in electronic form. Material revisions to the Privacy Manual will also be posted electronically when they become effective.
- b. Website Availability of Information. The Privacy Manual will be made available on UT Southwestern's website. The website version of the Privacy Manual will also contain intranet links to electronic versions of other departmental policies and procedures that are applicable to PHI.
- c. Web-based training. Basic and customized training modules will be used to deliver training that is tailored as necessary and appropriate, at the discretion of the Privacy Officer or designee, to UT Southwestern's policies and procedures.
- d. Other methods. Other types of acceptable training methods may include written materials, train-the-trainer, video presentations and face-to-face training sessions.

6. Non-Compliance With Training. Any member of the Workforce who fails to complete training within a reasonable time will be subject to discipline in accordance with Section 12.5 of this Manual, which sets forth the policy and procedure for Sanctions.
7. Coordination of Training with Affiliated Institutions
 - a. Minimizing Duplicate Training. Where members of UT Southwestern's Workforce cross institutional lines to work at another covered entity's facility, the Privacy Officer or designee will serve as the liaison for UT Southwestern to those entities for purposes of negotiating reasonable measures to minimize duplicate privacy training efforts for those employees.
 - b. Process for Inter-Institutional Training Coordination. The Privacy Officer or designee will use best efforts to pursue inter-institutional coordination on privacy training efforts through any of the following means:
 - i. Joint Training. UT Southwestern may agree with other entities to rely upon a joint training product (such as an agreed upon set of jointly developed web-based training modules) for purposes of satisfying privacy training obligations at both institutions; or
 - ii. Training Certification. UT Southwestern may seek agreement from another entity that the other entity will certify that the training received at UT Southwestern satisfies, in whole or in part, the training requirements of the other entity. In addition, UT Southwestern may, after review and approval of the content of another entity's training, certify the applicable Workforce member as having satisfied, in whole or in part, his or her training obligations at UT Southwestern; or
 - iii. Narrow the Scope. To the extent joint training is not feasible and UT Southwestern is advised by another entity that it will not certify UT Southwestern's training as sufficient for the Workforce member because the other entity has unique or different processes that require specific training, the Privacy Officer or designee will use best efforts to negotiate with the other entity to narrow the scope of the training to only that reasonably needed by the other entity to satisfy the additional training requirement.
8. Continuing Education Requirements. Wherever possible, the office or department that is responsible for training will attempt to have the training certified to qualify for continuing education credit for the applicable Workforce members.
9. Workforce Confidentiality Agreement. All Workforce members will be asked to sign an Information Security Agreement (ISA) addressing the confidentiality of PHI .
10. Documentation
 - a. The Privacy Officer or designee is responsible for maintaining, in written or electronic form, a training log documenting the training information relevant for each member of the Workforce. The log will contain, at a minimum, the following information:
 - i. Name

- ii. Position
 - iii. Department
 - iv. Date(s) of Privacy Training
 - v. Level of Training Required
 - vi. Courses Passed
 - vii. Test Scores
- b. Ambulatory Services Administration is responsible for maintaining, in written or electronic form, a signed Confidentiality Agreement which serves to document training received by certain members of the Workforce.
 - c. All other offices or departments that are responsible for training will provide to the Privacy Officer or designee in a timely fashion, in written or electronic form, the information necessary to document training for each Workforce member who falls within their area of training responsibility.
 - d. All documentation required by this Policy will be maintained for a minimum of six (6) years from the date it is created.

LEGAL REFERENCES:

45 C.F.R. §§ 164.530(b), (j) (2001)

65 Fed. Reg. 82462, 82561, 82745-46, 82755-56, 82770, 82783 (Dec. 28, 2000); 67 Fed. Reg. 53182, 53253 (Aug. 14, 2002)