



TRICARE
MANAGEMENT
ACTIVITY

**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
HEALTH AFFAIRS**

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APR - 9 2008

MEMORANDUM FOR DIRECTORS, TRICARE MANAGEMENT ACTIVITY

SUBJECT: Sanction Policy for Privacy and Security Violations

REFERENCES: (a) DoD 6025.18-R, "DoD Health Information Privacy Regulation," January 24, 2003
(b) DoD 5400.11-R, "DoD Privacy Program," May 14, 2007
(c) DoD 8580.02-R, "DoD Health Information Security Regulation," July 12, 2007
(d) TRICARE Management Activity (TMA) Deputy Director Memorandum, "TMA Health Insurance Portability and Accountability Act Privacy and Security Programs," August 6, 2007
(e) Chapter 47 of title 10, United States Code, (Uniform Code of Military Justice)
(f) Chapter 75 of title 5, United States Code (Government Organization and Employees Adverse Actions)

1. PURPOSE

This memorandum establishes policy and assigns responsibility for how sanctions should be determined and applied against workforce members of TRICARE Management Activity (TMA) who fail to follow appropriate standards for safeguarding Personally Identifiable Information and/or Protected Health Information (PII/PHI) in accordance with References (a) through (c).

2. APPLICABILITY AND SCOPE

2.1 The provisions of this policy apply to TMA Directorates, TRICARE Regional Offices, TRICARE Area Offices, and all other organizational entities in TMA.

2.2 The provisions of this policy apply to all TMA workforce members and TRICARE contractors, when required by contract.

3. DEFINITIONS

3.1 TMA workforce. Military and civilian full-time and part-time employees, volunteers, trainees, students, and other persons whose conduct, in the performance work for TMA, is under the direct control of TMA, whether or not they are paid by TMA.

4. POLICY

It is TMA policy that:

4.1 The Director, TMA Privacy Office shall coordinate with the Human Resource Department and the Office of General Counsel to ensure that TMA uses standard disciplinary processes, when appropriate, to determine specific sanctions according to the severity and circumstances of violations. The type and severity of sanctions imposed, and the categories of “violation,” are at the discretion of TMA.

4.2 TMA must have and apply appropriate sanctions against members of its workforce who fail to comply with the privacy policies and procedures of TMA or References (a) through (c). For members of the military this may include action under the Uniform Code of Military Justice (Reference (e)), administrative, or other appropriate sanctions. For civilian employees sanctions should be applied consistent with the provisions of Chapter 75 of title 5, United States Code (Reference (f)). For contractor personnel subject to this policy sanctions may include actions permissible under applicable procurement regulations and Business Associate Agreements, and/or other agreements when required by contract.

5. RESPONSIBILITIES

5.1 The Director, Human Resources Division will document the sanctions and maintain written or electronic records on military and civilian employees only. Such documentation must be retained in accordance with the provisions of Reference (a), Section 14.10.

5.2 The Director, TMA Privacy Office will further assign tasks to mitigate, to the extent practicable, any harmful effect that is known as a result of a violation.

6. EXCEPTION

This policy does not apply to a member of TMA’s workforce with respect to actions that are covered by or meet the conditions of Reference (a), Section 8.6 or 14.7.

7. EFFECTIVE DATE

This policy is effective immediately.

Questions regarding this policy shall be directed to Ms. Leslie V. Shaffer, Director, TMA Privacy Office, at (703) 681-7500.

[Signed]

Elder Grainger
Major General, MC, USA
Deputy Director