


Emma Eccles Jones College of Education & Human Services

POLICY INFORMATION

Document # 109	Title: HIPAA Privacy- Use & Disclosure of PHI for Treatment, Payment & Health Care Operations	Print Date: 9/13/2016
Revision # 1.0	Prepared by: J. Black	Date Prepared: 1/15/2016
Standard: HIPAA	Approved by: Dean Beth E. Foley 	Date Approved: 9/27/2016

I. POLICY STATEMENT

This policy is to ensure compliance with 45 CFR § 164.502 & 164.506, the Standards for the privacy of PHI as defined in the *Notice of Privacy Practices*:

1. Ensuring that CEHS and its Covered Components use and disclose PHI in regards to continuing care (treatment), to obtain payment for services (payment) for the day to day operations of the Covered Component and the care given to the patient (health care operations) as allowed by the Privacy Regulations set forth by the HHS; and
2. To Provide CEHS and its Covered Components with procedures regarding permissible uses and disclosures of PHI for treatment, payment & health care operations.

II. DEFINITIONS

See HIPAA Privacy Policy 100

III. AUTHORITY AND RESPONSIBILITIES

CEHS has component units that are listed as a hybrid entity in accordance with USU's HIPAA Hybrid Covered Entity Declaration. Only the Health Care Component/HCC (i.e., covered functions) of CEHS must comply with this policy. All references in this policy to "CEHS" shall be construed to refer only to the health care component of CEHS.

IV. PROCEDURES TO IMPLEMENT

All uses and disclosures of PHI for payment purposes are subject to the Minimum Necessary Standard set forth in HIPAA Privacy Policy 117 - Minimum Necessary Standard for Use and Disclosure of PHI. The Privacy Rule allows the following disclosures for treatment, payment and health care operation purposes:

1. Covered Components may use and disclose PHI for purposes of its own treatment, payment and healthcare operation activities.
2. Covered Components may disclose PHI for the treatment activities of another "health care provider" as defined by the Privacy Regulations.
3. Payment activities of:
 - a. Other covered entities, and

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- b. Other health care providers, who are not covered entities
4. Covered Components may disclose PHI to another covered entity for certain limited permissible health care operations activities of the entity receiving the information, only if:
 - a. Both the CEHS Covered Component and the recipient of the PHI has or had a relationship with the patient (i.e., a CEHS clinic treated the patient and the proposed recipient is the health plan insuring the patient), and
 - b. The PHI pertains specifically to that relationship (e.g., the health plan is requesting information regarding to the CEHS Clinic's treatment of that patient), and
 - c. The disclosure is one of the following permissible health care operation activities:
 - i. Conducting quality assessment activities;
 - ii. Population-based activities in relation to reducing health care costs, improving health, case management, care coordination, protocol development, to inform of treatment alternatives and other functions that do not include treatment;
 - iii. Evaluation, review of qualification and competence of health care providers or training programs which involve students, trainees or practitioners working under supervision, or for credentialing, certification, licensing, accreditation; and/or
 - iv. For the purpose of health care fraud and abuse detection or compliance.
5. Covered Components must have appropriate administrative, technical and physical safeguards in place to protect PHI from and intentional or unintentional use or disclosure that is in violation of the Privacy Regulations.
6. Covered Components must reasonable safeguard PHI to limit incidental uses and disclosures made pursuant to an otherwise permitted or required use or disclosure.
7. There are times when the Covered Component is **REQUIRED** to disclose PHI:
 - a. To the patient or representative when requested per HIPAA Privacy Policy 106 - Patient Right to Request and Accounting of Disclosures and HIPAA Privacy Policy 107 - Patient Right to Request Access to/copy of PHI.
 - b. When required by OCR and/or HHS to investigate or determine compliance with Privacy Regulations.

Special Considerations:

1. In addition to the above, Covered Components are permitted to use and disclose PHI when:
 - a. In compliance with a valid authorization. See HIPAA Privacy Policy 111 - Use and Disclosure of PHI with Authorization, and HIPAA Privacy Policy 112 - Use and Disclosure of Psychotherapy Notes.
 - b. In compliance with any agreement that has been established between the Covered Entity and the patient to restrict PHI.
 - c. Restrictions of PHI involving patient care for notification purposes in the event of a disaster for patient care and/or notification purposes.

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2. No accounting of disclosures is required with respect to disclosures made for the purposes of treatment, payment or health care operations, see HIPAA Privacy Policy 106- Patient Right to Request an Accounting of Disclosures for more information.

IV. ATTACHMENTS

N/A

V. REFERENCES

HIPAA Privacy Policy 106 - Patient Right to Request an Accounting of Disclosures

HIPAA Privacy Policy 107 - Patient Right to Request Access to/copy of PHI

HIPAA Privacy Policy 111 - Use and Disclosure of PHI with Authorization

HIPAA Privacy Policy 112 - Use and Disclosure of Psychotherapy Notes.

HIPAA Privacy Policy 117 - Minimum Necessary Standard for Use and Disclosure of PHI