

SUBJECT: Permitted Uses and Disclosures (Without an Authorization)

Page 1 of 2

EFFECTIVE DATE:

REVIEWED/REVISED:

PURPOSE: To define when an MHS affiliate is permitted to use/disclose protected health information without a patient's written authorization.

POLICY: Pursuant to the Health Insurance Portability and Accountability Act (HIPAA), Section 164.512, an MHS affiliate may use or disclose a patient's protected health information ("PHI") without the patient's written authorization if the use or disclosure is:

- to that individual or the individual's legal representative; or
- for treatment, payment or healthcare operations.

In addition, an MHS affiliate may use or disclose PHI:

- for the treatment activities of another healthcare provider
- to another covered entity or healthcare provider for the payment activities of the receiving entity
- to another covered entity or healthcare provider for healthcare operation activities of the receiving entity if each entity has a relationship with the individual and:
 - the PHI pertains to such relationship, and
 - the PHI is necessary for one of the following activities:
 - ✓ conducting quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines
 - ✓ population based activities relating to improving health or reducing healthcare costs, protocol development, case management and care coordination, contacting of healthcare providers and patients with information about treatment alternatives
 - ✓ related functions that do not include treatment
 - ✓ reviewing the competence/qualification of healthcare professionals, evaluating practitioner and provider performance
 - ✓ conducting training programs in which students, trainees or practitioners in areas of healthcare learn under supervision to practice/improve their skills
 - ✓ training of non-health care professionals
 - ✓ accreditation, certification, licensing or credentialing activities
 - ✓ fraud and abuse detection or compliance

In addition, any MHS affiliate that participates in an Organized Health Care Arrangement ("OHCA") with another healthcare provider may disclose to that provider PHI for any healthcare operations activities of the OHCA.

Use or disclosure of PHI may be subject to the "minimum necessary" standard. Refer to policy titled "Disclosure of Information Minimum Necessary."

An MHS affiliate may use or disclose PHI to maintain a directory of individuals in its facility unless the patient or legal representative requests that the patient be excluded from the directory. Unless an

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objection has been made, the following information may be included in the directory and disclosed to anyone who asks for the patient by name:

- ✓ individual's name
- ✓ individual's location in the facility
- ✓ individual's condition in general terms

In addition, the patient's religious affiliation may be disclosed to members of the clergy unless the patient has requested that no information be provided to the clergy.

A direct health care provider may disclose to a family member, other relative or close personal friend of the individual or any other person identified by the individual, the PHI directly relevant to such person's involvement with the individual's care or payment of care, except with respect to patients being treated for mental health issues, substance abuse, and/or chemical dependency.

An MHS affiliate may use or disclose PHI to a public/private entity authorized by law to assist in disaster relief efforts to notify or assist in the notification (including identifying or notifying), of a family member, a personal representative of the individual or another person responsible for the care of the individual of their location, general condition, or death to the extent that the MHS affiliate determines that the requirements do not interfere with the ability to respond to the emergency circumstances.

DEFINITIONS:

Authorization means a written authorization from a patient that complies with the requirements of the Health Insurance Portability and Accountability Act ("HIPAA"), section 164.508(b).

Protected Health Information ("PHI") includes individually identifiable health information that is:

- transmitted by electronic media
- maintained in any medium (paper, electronic, verbal)

PHI excludes individually identifiable health information in:

- education records as defined by FERPA
- employment records held by an entity in its role as employer.