

 HAWAII HEALTH SYSTEMS CORPORATION "Quality Healthcare For All" POLICY	Department: Quality Through Compliance	Policy No.: CMP 024A
	Issued by: Audit and Compliance Committee	Revision No.: Effective Date: September 19, 2013
Subject: Use and Disclosure of PHI Subject to the Treatment, Payment and Health Care Operations Exception	Approved by:  HHSC Board of Directors By: Carol A. VanCamp Its: Secretary/Treasurer	Supersedes Policy: Page: 1 of 3

Last Reviewed: August 19, 2013. Next Review: August 19, 2016.

- I. **PURPOSE:** This policy describes how Hawaii Health Systems Corporation (HHSC) will protect the privacy of its patients' Protected Health Information (PHI) while allowing employees to use and disclose PHI for purposes of treatment, payment or health care operations.

- II. **DEFINITIONS:**

Treatment - the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or referral of a patient for health care from one health care provider to another.

Payment – the activities undertaken by a provider to obtain reimbursement for the provision of health care. These activities may include, but are not limited to, determination of eligibility of coverage, billing, claims management, collection activities, review of health services with respect to medical necessity or appropriateness of care, utilization review including precertification and preauthorization of services, and disclosure of certain non-health data elements to consumer reporting agencies.

Health care operations – quality assessment activities (including outcomes evaluation and case management and care coordination); review of competence or qualifications of health care professionals and their performance; accreditation, licensing, certification or credentialing activities; conducting or arranging for medical review, legal services, and auditing functions; business planning and development (including conducting cost-management and planning-related analyses); and business management and general activities of the entity.

PHI — Protected Health Information– Health information, including demographic information collected from an individual created or received by HHSC that:

 1. Identifies the individual or for which there is reasonable basis to believe the information can be used to identify an individual.
 2. Relates to:
 - a. The individual's past, present, or future physical or mental health or condition;
 - b. The provision of health care to the individual, or:

- c. The past, present, or future payment for the provision of health care to the individual.
- 3. Is stored or transmitted in any medium.
- 4. Are not federally funded educational records (FERPA-Family Educational Rights and Privacy Act), or in employment records held by a covered entity in its role as employer, or in records described at 20 U.S.C. 1232g(a)(4)(B)(iv), or regarding a person who has been deceased for more than 50 years.

III. POLICY: In accordance with city, state, and federal laws and regulations, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), HHSC will protect patient records and other information that may reveal a patient's identity when using or disclosing such information for purposes of treatment, payment, or health care operations.

A. Protecting the privacy and confidentiality of patients' PHI.

- 1. In accordance with city, state and federal laws and regulations, including HIPAA, HHSC will:
 - a) Appropriately use, manage, control, disclose and release PHI; and
 - b) Comply with the terms of the requirements of the Notice of Privacy Practices.
- 2. Employees will be provided with training upon employment that details the actions needed to protect a patient's PHI.
- 3. HHSC will provide training for its employees that use, manage, control, disclose or release patients' PHI.
- 4. Employees and individuals who are affiliated with HHSC will continue to comply with existing city, state and federal laws and regulations that govern confidentiality of patient PHI, including certain specially protected categories of PHI such as psychotherapy notes and substance abuse and treatment records.

B. Using and Disclosing PHI. HHSC will use and disclose a patient's PHI in accordance with city, state, and federal laws and regulations, including HIPAA, and primarily for the purposes of:

- 1. Treatment:
 - a) HHSC may use and disclose a patient's PHI to provide him/her with treatment or services.
 - b) A patient's PHI may be shared among providers at HHSC as long as each person sharing the PHI is providing, or has provided, services and treatment.
 - c) HHSC may disclose a patient's PHI to people outside HHSC who are involved in the patient's care.
- 2. Payment:
 - a) HHSC may use and disclose a patient's PHI to bill and collect for the treatment and services provided to the patient.
 - b) HHSC may use and disclose a patient's PHI to the patient's health plan to obtain prior approval for treatment and/or to determine whether the patient's plan will cover the treatment.
 - c) HHSC may disclose a patient's PHI to another health care provider to facilitate the other health care provider's billing and collection efforts as permitted by law.
- 3. Health Care Operations:
 - a) HHSC may use and disclose a patient's PHI for purposes of its own operations.
 - b) HHSC may disclose a patient's PHI to other health care organizations as permitted by law.

C. HHSC Facilities shall adopt operational procedures to implement this Policy.

IV. **APPLICABILITY:** This policy shall apply to all HHSC facilities.

V. **AUTHORITY:** Standards for Privacy of Individually Identifiable Health Information, 45 CFR, Subtitle A, Subchapter C, Section 164.502.

VI. **ATTACHMENT:** None