

Department: UW Medicine Compliance

Subject: PP-07 Use and Disclosure of Protected Health Information to Carry Out Treatment, Payment, and Health Care Operations

Policy Number: 07

Effective Date: March 28, 2008

Review Date: March 28, 2008

Definitions:

Disclosure: Release, transfer, provision of access to, or divulging in any other manner of information outside the entity holding the information.

Health Care Operations: UW Medicine healthcare operations are those business functions required for managing and delivering health and medical services. These include all business processes relating to the following:

Business Focused Activities

- Business management and general administrative functions (e.g., HIPAA compliance),
- Business planning and development (e.g., cost management analyses, planning-related analyses, formulary development, payment methods and coverage policies),
- Disclosure of PHI for legal and regulatory purposes,
- Customer service, provided PHI is not disclosed,
- Accreditation, certification, licensing or credentialing activities,
- Health insurance contracting (e.g., underwriting, premium rating, reinsurance of risk relating to claims),
- Medical review, legal services and auditing functions (e.g., fraud and abuse detection and compliance programs).

Clinically-Focused Activities

- Quality assessment including outcomes evaluation,
- Clinical guidelines and clinical protocol development,
- Case management and care coordination,
- Patient contact regarding treatment alternatives,
- Performance evaluation for healthcare professionals, providers, and practitioners,
- Training programs for students, practitioners and non-healthcare professionals.

Payment: Payment is defined as all activities undertaken by UW Medicine to obtain reimbursement for treatment that has been provided including the following activities:

- Eligibility determination for coverage,
- Coordination of benefits among third-parties and patients for cost-sharing responsibilities,
- Adjudication or subrogation of health benefit claims,
- Risk adjustment of amounts due,
- Payment under a contract for reinsurance,
- Healthcare data processing that supports billing, claims management and collection,
- Utilization reviews.

Treatment: Treatment is defined as a health care provider's provision, coordination and management of health care and related services. These health care services cross the continuum of care and include but are not limited to primary and specialty outpatient care, inpatient hospitalization, step-down and extended facility care, emergency medicine, and referral activities.

Use: The sharing, employment, application, utilization, examination, or analysis of individually identifiable health information within UW Medicine.

Policy:

UW Medicine¹ may use and disclose protected health information (PHI):

1. for treatment, payment, or health care operations (TPO);
2. as authorized by the patient or surrogate decision maker (See UW Medicine Privacy Policy: *PP-08 Use & Disclosure of Protected Health Information Requiring Authorization*); **or**
3. as required by law (See UW Medicine Privacy Policies: *PP-16a Use & Disclosure of Protected Health Information (PHI) Permitted for Public Health Activities*, *PP-16b Use & Disclosure of Protected Health Information (PHI) Permitted for Employers*, *PP-16c Use & Disclosure of Protected Health Information (PHI) Permitted for health Oversight Activities*, *PP-16d Use & Disclosure of Protected Health Information (PHI) Permitted for Decedents*, *PP-16e Use & Disclosure of Protected Health Information (PHI) Permitted to Avert a Serious Threat to Health or Safety*, *PP-16f Use & Disclosure of Protected Health Information (PHI) Permitted for Specialized Government Functions*, *PP-16g Use & Disclosure of Protected Health Information (PHI) Permitted for Judicial and Administrative Proceedings*, *PP-16h Use & Disclosure of Protected Health Information (PHI) Permitted for Law Enforcement Purposes*, and *PP-16i Use & Disclosure of Protected Health Information (PHI) Permitted for Victims of Abuse, Neglect or Domestic Violence*).

¹ For Purposes of HIPAA, UW Medicine includes the following entities: University of Washington Medical Center and Clinics; Harborview Medical Center and Clinics; UW Physicians Neighborhood Clinics (University of Washington Physicians Network); UW Physicians Sports Medicine Clinic; UW Physician's Eastside Specialty Center; Hall Health Primary Care Center; and University of Washington Physicians, as well as certain services and activities that support UW Medicine that are performed by non-health care components of the University of Washington as defined within Privacy Policy PP-01 Use & Disclosure of Protected Health Information – Organizational Requirements.

UW Medicine Workforce members must limit their access and their use & disclosure of PHI to the minimum amount of information necessary to perform their authorized activities or duties. See UW Medicine Privacy Policy: *PP-20 Minimum Necessary Requirements for Use & Disclosure of Protected Health Information* for more information.

Documentation requirements for disclosures of patient information:

When Disclosure:	Documentation
Is made from an authorization.	The signed authorization is filed in the medical record.
Is not for treatment, payment, health care operations nor is authorized by the patient.	Must be documented for the purposes of patient's right to an accounting of disclosures, https://know1.mcis.washington.edu/disclosure_accounting/ or Epic Care HIPAA Order. (See UW Medicine Privacy Policy: <i>PP-25 Accounting of Disclosures of Protected Health Information</i>).
Is regarding behavioral health information of a minor ² for any purpose.	Document into the minor's medical record: <ul style="list-style-type: none"> • date • circumstances under which the disclosure is made • name or names of the persons or agencies to whom such disclosure is made • the relationship, if any, to the minor and • the information disclosed³.

Examples of Use or Disclosure for Treatment, Payment, or Health Care Operations:

- Treatment:
 - Using PHI about a patient to provide health care to the patient. This may include consulting with other healthcare providers about the patient's treatment.
 - Sending a copy of a patient's medical record to a specialist who needs the information to treat the patient.
 - Sending a patient's health care instructions to another care facility to which the patient is transferred.
- Payment:
 - Preparing claims for payment for services.
 - Submitting a claim for payment to a health plan.
 - Giving a patient's payment information to an ambulance service provider that transported the patient to the hospital in order for the ambulance provider to bill for its treatment.
- Health Care Operations:
 - Teaching physician reviewing PHI with medical students or residents.
 - Disclosing PHI to another health care provider, health care facility, or third-party payor for that party's health care operations if both parties have or had a

² Minors are individuals under the age of 18.

³ RCW 71.34.350 – Disclosure of information or records – Required entries in the minor's clinical record.

relationship with the patient who is the subject of the PHI being requested, the PHI pertains to such relationship and the disclosure is for the purposes of health care operations.

- Required by Law:
 - Reporting to the appropriate authorities suspected abuse, exploitation or neglect of a child under age 18, a developmentally disabled person, or an elderly person.
 - Providing information regarding FDA regulated drugs and devices to the U.S. Food and Drug Administration.
 - Providing government oversight agencies with data for health oversight activities such as auditing or licensure.
 - Providing public health authorities with information on communicable diseases and vital records.
 - Providing information to Workers' Compensation agencies and self-insured employers for work-related illness or injuries.
 - Providing notice to appropriate individuals when it is necessary to avoid a serious threat to health or safety or to prevent serious harm to an individual.
 - Providing information to organ procurement organizations to coordinate organ donation activities.
 - Providing information to law enforcement when required or allowed by law.
 - Disclosing information pursuant to court order or lawful subpoena.
 - Providing information to coroners, medical examiners and funeral directors.
 - Providing information to government officials when required for specifically identified government functions such as national security.
 - Disclosing information when otherwise required by law, such as to the Secretary of the United States Department of Health and Human Services for purposes of determining our compliance with our obligations to protect the privacy of PHI.

Examples of Inappropriate Use or Improper Disclosure of PHI. UW Medicine workforce cannot:

- Looking at a co-worker's medical record unless you are part of the care team and as necessary.
- Accessing a family member's medical record.
- Accessing a newsworthy patient's record.
- Providing PHI to Law Enforcement unless the patient authorizes the disclosure or the disclosure is required by law.
- Disclosing patient directory information when the patient has opted out of the directory.
- Telling a person, who is not involved in the care of a patient, about the patient's condition and/or treatment.
- Using PHI in a case report, seminar, or publication unless the patient authorizes.
- Searching for potential research subjects (without IRB waiver).

References:

- I. 45 CFR Part 164; Section 164.501 - Definitions

II. RCW 70.02.050 –Disclosure of Health Care Information without Authorization

III. RCW 71.34.350 – Disclosure of information or records – Required entries in the minor’s clinical record.

UW Medicine Privacy Officer: _____ Date: _____

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