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Objective:

- I. To ensure that Health Share/Tuality Health Alliance (THA) follows the guidelines proposed by the Federal mandates of the 1996 Health Insurance Portability and Accountability Act (HIPAA) to protect individuals' privacy and to secure health information. HIPAA includes Privacy, Security, Breach Notification, and Enforcement Rules at 45 CFR Part 160 and Part 164.
- II. To ensure that THA has relevant policies and general guidelines for the necessary collection, use, and disclosure of confidential information in order to provide services and benefits to and involving individuals, while maintaining reasonable privacy and information security safeguards.
- III. To ensure that THA has a process in place to inform individuals about THA privacy practices.

Policy:

- I. THA will safeguard all confidential information about individuals, inform individuals about THA privacy practices, and respect individual privacy rights, to the full extent as required under Federal and State laws.
- II. THA may collect, maintain, use, transmit, share and/or disclose confidential information about individuals to the extent needed to administer THA programs, services, and activities, and in a manner that is consistent with applicable Federal and State confidentiality requirements.
- III. There are three types of individuals for whom THA is most likely to obtain, collect, or maintain PHI:
 1. THA Members – defined as individuals who request or receive services from THA;
 2. THA Participants – defined as individuals participating in THA population-based services, programs, and activities that serve the general population, but who do not receive program benefits or direct services, such as those received by members; participants may include THA members participating in collaborative Performance Improvement Projects; and
 3. THA Providers – defined as persons or entities that may seek reimbursement from THA in exchange for the provision of services to THA members.
- IV. THA staff and THA Providers are educated annually in regard to Tuality Healthcare and THA privacy policies and are subsequently required to sign a Confidentiality Statement/Code of Conduct outlining their role and responsibilities

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relating to protecting the privacy of THA members, participants, and peer providers.

V. Safeguarding Information

- a. When THA or THA business associates obtain individually identifiable information pertaining to members, participants, or providers, THA may use and disclose such information in a manner that is consistent with Federal or State rules and regulations and THA policies and procedures.
- b. THA will safeguard all confidential information about members, participants, or providers in a manner that is consistent with Federal and State rules and regulations and in accordance with THA privacy policies.
 - When THA obtains confidential information about individuals, as it relates to determining claim payment responsibility, THA will safeguard the information in a manner that is consistent with Federal and State regulations and THA policies and procedures.
 - THA will safeguard all confidential information about members and participants, as it relates to Case Management or Quality Improvement Programs, in a manner that is consistent with Federal and State regulations and THA policies and procedures.
 - THA will safeguard all confidential information about Providers, as it is obtained during health oversight activities and provider performance reviews, in a manner that is consistent with Federal and State regulations and THA policies and procedures.
- c. THA shall not use or disclose confidential information unless:
 - The member, participant, or provider has authorized the information use or disclosure in accordance with *THA Policy II-3: Uses and Disclosures of Member or Participant Information*; or
 - The use or disclosure is specifically permitted under *THA Policy II-3: Uses and Disclosures of Member or Participant Information*.
- d. THA Provider offices shall adopt procedures to reasonably safeguard PHI.
 - An individual's PHI shall be shared and discussed only with people directly involved in that individual's care.
 - Case discussions will be held in private.
 - Protected information will not be displayed where it might easily be observed by unauthorized parties.

VI. Conflicting Privacy Requirements

- a. THA has adopted reasonable privacy policies and procedures for the administration of programs, services, and activities. If any State or Federal regulation or order of a court having appropriate jurisdiction imposes a stricter

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- requirement than the requirement outlined in THA policy, THA shall act in accordance with that stricter standard.
- b. In the event that more than one policy applies to a circumstance, but compliance with all such policies cannot reasonably be achieved, THA will consult with/seek guidance from THA Privacy Coordinator or the THC Privacy Officer, as appropriate.
- VII. THA Notice of Privacy Practices
THA will make available a copy of the THA Notice of Privacy Practices to any member applying for or receiving services from THA. The THA Notice of Privacy Practices contains all information required under Federal regulations regarding the notice of privacy practices for PHI under HIPAA.
- VIII. Member Privacy Rights
- a. THA policies and procedures, as well as Federal and State laws and regulations, outline the members' right to access their own information, with some exceptions. Refer to *THA Policy VI-4: Member Confidentiality*.
- b. A member can take specific steps to request restrictions or amendments to his/her information and/or to file privacy complaints. These specific actions are outlined in *THA Policy VI-4: Member Confidentiality*.
- IX. Use and Disclosure of Member or Participant Information
THA shall not use or disclose any information about a member or participant without a signed Release of Information authorization from the individual or personal representative, unless the use or disclosure is allowed or required by THA policy or Federal or State law. For more information, refer to *THA Policy II-3: Uses and Disclosures of Member or Participant Information*.
- X. Minimum Necessary Information
- a. THA will use or disclose only the minimum amount of information necessary to provide services and benefits to members and to carry out programs involving participants and Providers, and only to the extent allowed by THA policies and procedures and Federal and State law.
- b. Minimum necessary information does not apply to:
- Disclosures to or requests by a health care provider for treatment;
 - Uses or disclosures made to the individual;
 - Uses or disclosures authorized by the individual;
 - Disclosures made to the Secretary of the United States Department of Health and Human Services in accordance with federal HIPAA regulations at 45 CFR 160, Subpart C;
 - Uses or disclosures that are required by law; and

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- Uses or disclosures required for compliance with federal HIPAA regulations at 45 CFR, Parts 160 and 164.
 - c. When using or disclosing an individual's information, or when requesting an individual's information from a provider or health plan, THA employees must make reasonable efforts to limit the amount of information to the minimum amount necessary for accomplishment of the intended use, disclosure, or request.
 - d. Refer to *THA Policy II-4: Minimum Necessary Information*.
- XI. Administrative, Technical, and Physical Safeguards
THA will take reasonable steps to safeguard confidential information from any intentional or unintentional use or disclosure. For more information, refer to *THA Policy II-5: Administrative, Technical, and Physical Safeguards*.
- XII. Information Use and Disclosures for Research Purposes
THA may use or disclose an individual's information for research purposes as outlined in *THA Policy II-3: Uses and Disclosures of Member or Participant Information*; this policy specifies requirements for using or disclosing information with and without an individual's authorization, and identifies some allowable uses and disclosure of information when THA is acting as a contractor of a Public Health Authority.
- XIII. De-Identification of Member Information and Use of Limited Data Sets
Unless otherwise restricted or prohibited by Federal or State law, THA may use and share information as appropriate if THA or another entity has taken steps to de-identify the information as outlined in *THA Policy II-8: De-Identification of Member Information and Use of Limited Data Sets*.
- XI. Business Associate Relationships
THA may share PHI with business associates with whom there is a written contract or memorandum that documents a mutual understanding of shared PHI as outlined in *THA Policy II-6: Business Associate Relationships*.
- XII. Enforcement, Sanctions, and Penalties for Privacy Violations
All THA staff, volunteers, and members of the THA workforce must guard against improper uses or disclosures of THA member information as outlined in *THA Policy II-7: Enforcement, Sanctions, and Penalties for Privacy Violations*.

References: 45 CFR Parts 160 and 164
DMAP Policy AS-100-01 General Privacy
Health Share RAE Participation Agreement

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THC Policy O-97: Patient Privacy Practices

Attachment: THA Notice of Privacy Practices

Formulated:	February 2003
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