

PLUMAS COUNTY, CALIFORNIA



HIPAA RELATED POLICY AND PROCEDURES

EFFECTIVE APRIL 14, 2003

OBTAINING AUTHORIZATION FOR USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION

Policy:

Plumas County may not use or disclose protected health information without a valid authorization under the Privacy Rule.

Purpose:

Plumas County uses protected health information to provide services and convey information about services.

A valid authorization by the individual allows Plumas County to use or disclose clearly identified protected health information.

Situations in which Plumas County is **NOT required** to obtain the individual's authorization to use or disclose private health information include:

- Treatment, payment and health care operations;
- Disclosures to the individual who is the subject of the information;
- Uses and disclosures of private health information permitted under 45 CFR 164.510 (uses and disclosures requiring an opportunity for the individual to agree or object) or 45 CFR 164.512 (uses and disclosures for which consent, an authorization or opportunity to agree or object is not required); and
- Required disclosures to the Secretary of the U.S. Department of Health and Human Services for enforcement of the rule.

Responsibilities:

Plumas County staff must have authorization from individuals before using or disclosing protected health information for any purpose not otherwise permitted or required by the HIPAA Privacy Rule. A valid authorization must be used only for the specific purpose(s) stated in the authorization and only by personnel listed in the authorization.

If Plumas County staff does not understand what information is covered by the authorization, the use or disclosure is not permitted until Plumas County clarifies the request.

Plumas County must document and retain any signed authorizations and revocations.

Process:

The authorization form shall be a separate form and not be combined with a consent for treatment form.

A valid authorization shall be in at least 14 point type and include, in plain language, all of the following:

- A specific description of the information to be used or disclosed.
- Plumas County as authorized to make the requested use or disclosure.
- The name of the person or entity authorized to receive the disclosed information.
- The specific purpose, including limitations, for the use of medical information by the persons authorized to receive the information. IF the authorization is initiated by the individual, the statement “At the request of the individual” is adequate.
- A specific expiration date or event.
- The individual’s signature and date.
- If signed by a representative, a description of the representative’s authority to act for the individual and/or relationship to the individual.
- Notice to the client of their right to receive a copy of the authorization.
- Notice to the client of their right to revoke the authorization, exceptions to the right to revoke and an explanation of how to revoke an authorization.
- Notice to the client of the ability or inability of Plumas County to condition treatment, payment, enrollment or eligibility for benefits on the authorization.
- Notice to the client of the potential for the disclosed information to be subject to redisclosure by the recipient.

There are no limitations on the information that can be authorized for disclosure. However, request or disclosure of entire medical records must be in line with professional judgment and “minimum necessary” laws.

An authorization is not valid if it has any of the following defects:

- The expiration date or event has passed;
- The authorization was not filled out completely;
- The authorization has been revoked;
- The authorization violates any of the requirements regarding compound authorizations (must be a stand alone form, not in combination with any other form);
- The authorization contains material information known by Plumas County to be false.

Plumas County may not condition the provision of treatment, payment, enrollment or eligibility for benefits on provision of an authorization except for:

- Research related treatment;
- Pre-enrollment underwriting or risk determinations;
- Provision of health care solely for the purpose of creating a protected health information record for disclosure to a third party (e.g. pre-employment physicals/assessment).

Plumas County staff, will upon receipt of an authorization:

- Review the authorization (ensure that it is complete and without defects; ensure that there are no revocations);
- Verify the identity of the requestor (see applicable policy and procedure);
- Submit the request to the clinician of record;
- Prepare the information (copies of documents or summary);
- Send the information as requested; and
- Document the request in the chart or file (place original in chart or file).

Revoking an authorization:

An individual may revoke an authorization at any time. The revocation must be in writing, signed by the individual or on their behalf, and must be delivered to the Plumas County department where the original authorization form was signed.

The revocation will be effective upon receipt except to the extent that it has already been acted upon or if the authorization was obtained as a condition of obtaining insurance coverage and another law provides the insurer with the right to contest a claim under the policy or the policy itself.

Exceptions to the general requirement for authorizations for uses and disclosures are detailed in 45 CFR 164.512, CA Civil Code §§ 5610 and 56.104, CA Welfare & Institutions Code § 5328 and include:

- Those required by law;
- For public health activities;
- About suspected victims of abuse, neglect or domestic violence;
- About mental health patients, alcohol & drug treatment clients, the developmentally disabled;
- For health oversight activities;
- For judicial and administrative proceedings;
- For law enforcement purposes;
- Those about decedents;
- For cadaver organ, eye or tissue donation purposes;
- For research purposes;
- To avert a serious threat to health or safety;
- For specialized government functions; and
- For worker's compensation.

Date issued: April 14, 2003

Last revision date: February 9, 2005

Reference: 45 CFR 164.508, 45 CFR 164.512 and California Civil Code § 56.11