

REFERENCE ID NUMBER: 011	POLICY TYPE: IT INFORMATION PRIVACY MANAGEMENT
OWNER: CHAD PETERSON	DOCUMENT NAME: USE & DISCLOSURE OF HEALTH INFORMATION
EFFECTIVE DATE: 2/26/16	
REVISION DATE: 7/28/16	

USE AND DISCLOSURE OF HEALTH INFORMATION

PURPOSE

To comply with Minnesota State Law and HIPAA requirements for the use and disclosure of protected health information (PHI) on behalf of Koble-MN **HIO** participants.

SCOPE

This policy applies to all Koble-MN HIO participants and workforce; participants, employees/ authorized users, temporary staff, contracted staff, and credentialed provider staff.

COMPLIANCE WITH LAW

All disclosures and uses of health information through the Koble-MN HIE must be consistent with all applicable federal and state laws and Koble-MN HIO policies. Disclosures and uses may not be used for any unlawful or discriminatory purpose. If applicable law requires that certain documentation exist (such as an authorization or consent) or that other conditions be met prior to using or disclosing health information for a particular purpose. In all cases, the requesting Koble-MN HIO participant shall ensure that it has obtained the required documentation or met the requisite conditions and shall provide evidence of the documentation and conditions at the request of the disclosing Participant.

PARTICIPANT PERMITTED PURPOSES

A participant may request and may disclose individual health information through the Koble-MN HIO with a signed consent from the individual and only for purposes of treatment, payment, health care operations, or to comply with public health reporting requirements and as required by law.

Each Koble-MN HIO Participant shall provide or request Protected Health Information (PHI) through the HIO only to the extent necessary for the permitted purpose.

Any other use of Individually Identifiable Health Information data is prohibited.

Business Associates should refer to the BA Use & Disclosure of Health Information Policy.

KOBLE-MN HIO PERMITTED PURPOSES

Koble-MN HIO may use and disclose Protected Health Information (PHI) for the following purposes:

- for the proper management and administration of the Business Associate, in accordance with 45 C.F.R. § 164.504(e)(4);
- subject to the Participation Agreement, KOBLE-MN HIO policies and procedures, and 45 C.F.R. §§ 164.504(e)(2)(i) and 164.504(e)(2)(i)(B), provide data aggregation services related to the health care operations of the covered entities with which Koble-MN HIO has a Participation Agreement;

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- manage authorized requests for, and disclosures of, PHI among Participants in the network;
- create and maintain a master patient index;
- provide a record locator or patient matching service;
- standardize data formats;
- implement business rules to assist in the automation of data exchange;
- facilitate correction of errors in health information records; and
- subject to the KOBLE-MN HIO Participation Agreement and policies and procedures, aggregate data on behalf of multiple covered entities.

PROHIBITIONS

Except as permitted by Minnesota State Law and the HIPAA Rules, Patient Data may not be used by Koble-MN HIO or their participants for marketing, marketing related purposes, or sales without the authorization of the Individual or the Individual’s designated representative.

INFORMATION SUBJECT TO SPECIAL PROTECTION

Certain health information may be subject to special protection under federal, state, or local laws and regulations (e.g., substance abuse). Each Participant shall identify any information that is subject to special protection under applicable law prior to disclosing any information through KOBLE-MN HIO. Each Participant is responsible for complying with all applicable laws and regulations.

MINIMUM NECESSARY 45 CFR 164.502(B), 164.514(D)

The HIPAA Privacy Rule generally requires covered entities to take reasonable steps to limit the use or disclosure of, and requests for, protected health information to the minimum necessary to accomplish the intended purpose. Protected health information should not be used or disclosed when it is not necessary to satisfy a particular purpose or carry out a function.

The minimum necessary standard requires covered entities to evaluate their practices and enhance safeguards as needed to limit unnecessary or inappropriate access to and disclosure of protected health information.

The minimum necessary standard does not apply to the following:

- Disclosures to or requests by a health care provider for treatment purposes.
- Disclosures to the individual who is the subject of the information.
- Uses or disclosures made pursuant to an individual’s authorization.
- Uses or disclosures required for compliance with the Health Insurance Portability and Accountability Act (HIPAA) Administrative Simplification Rules.
- Disclosures to the Department of Health and Human Services (HHS) when disclosure of information is required under the Privacy Rule for enforcement purposes.
- Uses or disclosures that are required by other law.

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Each Participant may share health information through KOBLE-MN HIO and allow access to the information by only those workforce members, business associates, and other authorized agents who need the information in connection with their job function or duties.

TREATMENT AND INSURANCE DENIAL PROHIBITION

A health care practitioner may not deny a patient health care treatment and a health insurer may not deny a patient a health insurance benefit based solely on the provider's or patient's decision not to participate in Koble-MN HIO.

PARTICIPANT POLICIES

Each Koble-MN HIO Participant shall have in place and shall comply with its own internal policies and procedures regarding the use and disclosure of health information and the conditions that shall be met and documentation that shall be obtained, if any, prior to making any such disclosure.

REVISION HISTORY

DATE	DESCRIPTION OF REVISION	AUTHOR	APPROVAL DATE	APPROVED BY NAME & TITLE
7/26/16	Full review of Policy-See Advisory Committee Notes dated 7/28/16	Laurie Peters	7/28/16	Koble-MN Advisory Committee

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