

The University of Iowa
HIPAA Privacy Rule
Policies and Procedures

USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION

Purpose: To define whether use or disclosure of Protected Health Information (PHI) is required, permitted, or subject to authorization requirements; to provide direction to staff regarding when patient authorization is required for use or disclosure of PHI; and to provide direction to staff regarding when PHI may be used or disclosed without patient authorization.

Policy: It is the policy of the University of Iowa that the confidentiality of Protected Health Information contained in records and collected pursuant to treatment will be protected to the fullest extent possible. To maintain this confidentiality, UI staff may not disseminate PHI unless it is pursuant to a valid request, a valid authorization or a legally recognized exception to this requirement.

Procedures

1. Required disclosures
 - To a patient who requests to see his or her own record or an accounting of disclosures.
 - To the legal representative of a patient who makes a request.
 - To the Department of Health and Human Services for purposes of determining compliance with the Privacy Rule.
2. Permitted uses and disclosures
 - For purposes of treatment, payment, operations (“operations” includes education)
 - PHI will be available to students in educational programs for use within the college or unit where the records are maintained
 - In accordance with a patient’s authorization
 - Incident to a permitted use or disclosure
 - In specific instances defined in the Privacy Rule (below)
3. Permitted uses and disclosures requiring verbal agreement and opportunity to agree or object
 - Facility directory, media, marketing
 - Persons assisting in the patient’s care
 - Family members, close personal friends (patient assent)
4. Permitted uses and disclosures for which authorization is not required
 - Required by law
 - Public health activities
 - Disclosures to health oversight agencies

- Release pursuant to court order, subpoena or other discovery request
- Required disclosures pertaining to victims of abuse, neglect or domestic violence
- Disclosures for law enforcement purposes
- Disclosures to avert threats to public health and safety and to support specialized government functions (military and security)
- Disclosures related to organ donation
- Disclosures related to workers compensation

Research is a critical mission of the University. Disclosure of PHI for research purposes is permitted in accordance with protocols administered by the Human Subjects Office.

Definitions:

Protected Health Information (PHI):

Individually identifiable health information transmitted or maintained in any form or medium, including oral, written and electronic. Individually identifiable health information relates to an individual's health status or condition, furnishing health services to an individual or paying or administering health care benefits to an individual. Information is considered PHI where there is a reasonable basis to believe the information can be used to identify an individual.

Use:

Use of PHI includes anything done with the information inside UIHC (i.e. sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information, 45 C.F.R. §164.501).

Disclosure:

Disclosure of PHI means anything done with the information outside the covered entity (i.e. release, transfer, provision of access to, or divulging in any other manner of information outside the entity holding the information, 45 C.F.R. §164.501).

Health Oversight Agency:

Health Oversight Agency means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is authorized by law to oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance, or to enforce civil rights laws for which health information is relevant.

Reference: 45 C.F.R. §164.512