Wood County Board of Developmental Disabilities

POLICY

Policy #:	01-ALL-ALL-0125	**Subject:**	HIPAA General Rules For Disclosure of Protected Health Information
Effective Date:	04-01-03	**Last Revision:**	12-05-17
Person Responsible:	HIPAA Privacy Officer		
Approvals/Date:	Superintendent, WCBDD — Date 12/11/17		Board President, WCBDD — Date 12/11/17

The following definitions will apply:
Confidentiality – The property that data or information is not made available or disclosed to unauthorized persons or processes.
Disclosure – The release, transfer, provision of access to, or divulging in any manner (orally, written, electronically, or other) of information outside the entity holding the information.
FERPA – The Family Educational Rights and Privacy Act, which are federal regulations that govern the privacy of records maintained by schools, as well as the rights of parents and students to access those records. These regulations are codified in CFR Title 34 Part 99.
HIPAA– The Health Insurance Portability and Accountability Act of 1996, codified in 42 USC and at 42 CFR. In common terms, this includes the HIPAA Enforcement Rule, Transactions Rule, Privacy Rule, Breach Notification Rule and Security Rule.
Protected Health Information or PHI – Individually identifiable information that is (i) transmitted by electronic media, (ii) Maintained in electronic media, or (iii) transmitted or maintained in any other form or medium. Records of individual's deceased for more than 50 years are not PHI. For the purposes of this manual, and the board's compliance program, PHI shall also include "Education Records" as defined by FERPA. This creates a consistent set of policies for both types of confidential information.

GENERAL RULES

1. Staff of the WCBDD may use or disclose PHI only as follows:
   A. For education, treatment, payment or health care operations.
   B. In accordance with the release or authorization of the individual in accordance with policy and procedure set forth in Policy 01-ALL-ALL-0027 Confidential Records and Procedure 02-ALL-ALL-0843 (AD) Confidential Records.
   C. As permitted in Procedure 02-ALL-ALL-0451 (SS) Confidentiality of Consumer Information.
   D. As permitted in Policy 01-ALL-ALL-0133 HIPAA (Permissive Information Disclosure)
2. For all of the above, the minimum amount of information should be disclosed and specific procedures followed as detailed in Policy 01-ALL-ALL-0134 HIPAA (Minimum Necessary Use and Disclosure) and Procedure 02-ALL-ALL-0660 (AD) HIPAA Privacy Procedure for Protected Health Information (PHI) for Administrative Staff.
3. All employees are responsible for safeguarding the information regarding individuals we serve, as detailed in this procedure as well as:
   A. Policy 01-ALL-ALL-0027 Confidential Records
   B. Procedure 02-ALL-ALL-0843 (AD) Confidential Records
   C. Procedure 02-ALL-ALL-0580 (CP) Computer Usage
   D. Procedure 02-ALL-ALL-0845 (CP) Computer Security & Technical Safeguards
   E. Procedure 02-ALL-ALL-0624 (AD) Cell Phone Usage
   F. Form 03-ALL-ALL-0936 – HIPAA Policies and Procedures for the WCBDD Employee Benefits Plan
4. Rights of individuals served by WCBDD may be exercised by parents, guardians and personal representatives as detailed in Policy 01-ALL-ALL-0131 HIPAA (Use and Disclosure of PHI for Personal Representatives, Minors and Deceased Individuals).
5. Confidentiality and Computer Security are everyone's responsibility – all staff must understand the follow procedures detailed in Procedure 02-ALL-ALL-0686 (AD) HIPAA Security Procedure for Electronic Protected Health Information (EPHI) for Administrative Staff.
6. Supervisors, managers and certain staff have specific duties, rights and obligations as specified elsewhere in these policies.

References: 34 CFR 99
42 CFR
42 USC
45 CFR
OAC § 3301-51-04, 5123:2-1-02
ORC § 5126.044

Policies: 01-ALL-ALL-0027; 01-ALL-ALL-0131; 01-ALL-ALL-0133; 01-ALL-ALL-0134

Procedures: 02-ALL-ALL-0624(AD); 02-ALL-ALL-0686(AD); 02-ALL-ALL-0843(AD); 02-ALL-ALL-0580(CP); 02-ALL-ALL-0845(CP); 02-ALL-ALL-0451 (SS)

Forms: 03-ALL-ALL-0936

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