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## North Sound Mental Health Administration

### Section 2500 – Privacy: Uses and Disclosures of Protected Health Information (PHI) from Individuals for Treatment, Payment, or Healthcare Operations

Authorizing Source: RCW 70.02; 45 CFR 165 (HIPAA)

Cancels:

See Also:

Providers must have own "HIPAA & WAC compliant policy"

Responsible Staff: Privacy Officer

Approved by: Executive Director

Signature:

Date: 7/17/2013

#### **POLICY #2522.00**

#### **SUBJECT: USES AND DISCLOSURES OF PHI FROM INDIVIDUALS FOR TREATMENT, PAYMENT, OR HEALTHCARE OPERATIONS**

#### **PURPOSE**

The North Sound Mental Health Administration (NSMHA), in compliance with the Privacy Rules of Health Insurance Portability and Accountability Act (HIPAA) Administrative Simplification provisions, sets out in this policy the uses and disclosures of Protected Health Information (PHI) from individuals for treatment, payment or healthcare operations.

#### **POLICY**

NSMHA will not use and disclose PHI of consumers for treatment, payment, and health care operations without obtaining explicit authorization from those consumers, except in limited circumstances.

Individuals have the right to request that we restrict our uses and disclosures of their PHI for treatment, payment and health care operations. We are not obliged to agree to those restrictions, but if we do, we must abide by them. Therefore, restrictions will not be granted without the express permission of NSMHA Privacy Officer/designee, who will evaluate an individual's request and determine:

1. If the restrictions are reasonable; and
2. If it is possible to implement the restriction in our practice.

Should the request for restriction be granted, the Restriction Form will reflect the restrictions that have been allowed. NSMHA will, in all cases where a personal representative requests PHI on behalf of a consumer, consider the appropriateness of the request. In any case where we elect not to treat a person as a legal representative, we will do so because:

1. We have a reasonable belief that the individual has been or may be subjected to domestic violence, abuse, or neglect by such person; or
2. We, in the exercise of professional judgment, decide that it is not in the best interest of the individual to treat the person as the consumer's legal representative.

In any such case, it is our policy to document that decision in the record and inform the Privacy Officer/designee.

Documentation retention requirements include:

1. Policies and procedures for use and disclosure of PHI for treatment, payment, and health care operations.
2. Other policies and procedures to review that are related to this policy:
  - a. Privacy notice
  - b. Authorizations

**ATTACHMENTS**

2522.01 – Procedure: 2522 A