

Iowa County, Iowa
Policy Manual

Title: HIPPA Privacy Policy	Reference #: HIP001
Section:	Date Effective/Revised: 3/15/2024
Department (s): Healthcare Components	Approved By: Board of Supervisors

HYBRID ENTITY DESIGNATION

In accordance with 45 C.F.R. § 164.105(a), the Iowa County has been designated as a Hybrid Entity. The following departments and offices have been designated as healthcare components of Iowa County and thus are subject to the HIPAA provisions:

- Auditor's Office
- Ambulance
- Mental Health/Social Services
- Public Health
- Supervisor's Office
- Transportation
- Veterans Affairs Office

Other departments and offices have not been designated as healthcare components of the Iowa County and thus are not subject to the HIPAA provisions but will be trained on handling confidential information as appropriate.

Iowa County shall ensure that if a member of its workforce performs duties for both a healthcare component and another office or department, that person shall not use or disclose PHI created or received in the course of or incident to the member's work for the healthcare component.

References within this HIPAA Manual to Iowa County mean the HIPAA Iowa County components of Iowa County.

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OVERVIEW: HANDLING USES AND DISCLOSURES OF PHI

POLICY

Iowa County shall Use and Disclose PHI only as permitted under HIPAA. All Iowa County workforce members should be familiar with HIPAA, the effect of HIPAA on their job functions, and must comply with this Policy at all times.

PURPOSE

The purpose of this Policy is to provide Iowa County workforce with guidance as to the Uses and Disclosures of PHI permitted by HIPAA.

REQUIREMENTS AND EXPLANATION

Iowa County may Use or Disclose PHI only as permitted by HIPAA. The permitted Uses and Disclosures are summarized below.

1. Iowa County may Use or Disclose PHI for its own Treatment, Payment or Health Care Operations;
2. Iowa County may Disclose PHI for Treatment activities of another Health Care Provider;
3. Iowa County may Disclose PHI to another Covered Entity or Health Care Provider for the Payment activities of the entity that receives the information;
4. Iowa County may Disclose PHI to another Covered Entity for Health Care Operations of the entity that receives the PHI if (a) Iowa County and the other Covered Entity had or have a relationship with the subject of the PHI; (b) the PHI pertains to that relationship; and (c) the Disclosure is for one of the following purposes:
 - a. Conducting quality assessment and improvement activities (including outcomes evaluation and development of clinical guidelines);
 - b. Population based activities relating to improving health or reducing health care costs;
 - c. Protocol development;
 - d. Case management and care coordination;
 - e. Contacting of Health Care Providers and Individuals with information about Treatment alternatives;
 - f. Related functions that do not include Treatment;
 - g. Reviewing the competence or qualifications of health care professionals;
 - h. Evaluating practitioner and provider performance;
 - i. Evaluating health plan performance;

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- j. Conducting training programs in which students, trainees or practitioners in areas of health care learn under supervision to Iowa County or improve their skills as health care providers;
- k. Training of non-health care professionals;
- l. Accreditation, certification, licensing or credentialing activities;
- m. Health care fraud and abuse detection or compliance.
- n. If Iowa County participates in an organized health care arrangement, it may Disclose PHI to another participant in the organized health care arrangement for any Health Care Operations of the organized health care arrangement.

Use and Disclosure With Authorization.

Iowa County must obtain an Authorization from the Individual who is the subject of PHI before using that PHI for any Use or Disclosure not otherwise provided for under the Privacy Rule.

Uses and Disclosures That Require An Opportunity For the Individual To Agree or Object.

Iowa County may Use or Disclose an Individual's PHI for the purposes in this paragraph without authorization, provided that the Individual has been informed in advance of the Use or Disclosure and has an opportunity to agree or prohibit or restrict the Disclosure. Such Uses and Disclosures are for either (a) a facility directory (typically a list of a facility's Individuals); or (b) to discuss an Individual's care with a family member or other person identified by the Individual.

Uses and Disclosures That Do Not Require An Opportunity For the Individual To Agree or Object.

Iowa County may Use an Individual's PHI without authorization, and without giving the Individual an opportunity to agree or prohibit or restrict the Disclosure in certain situations specified by the Privacy Rule. These situations are where Use or Disclosure is:

REQUIRED BY LAW 45 C.F.R. §164.512(a) (See Required By Law Disclosures Policy)

Iowa County may use or disclose PHI to the extent that the use or disclosure is required by law. The Iowa County will notify an Individual, as required by law, of any such uses or disclosures.

PUBLIC HEALTH 45 C.F.R. §164.512(b)

Iowa County may disclose PHI for public health activities and purposes that may include:

- 1. Collecting and receiving information by a public health authority, for the purpose of preventing or controlling disease, injury or disability;
- 2. Disclosures to a public health authority authorized to receive child abuse or neglect reports;
- 3. Activities related to the quality, safety or effectiveness of FDA-related products;

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4. Contacting Individuals, if authorized by law, who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease; or
5. Disclosing information to an employer, if the Iowa County provides healthcare to the Individual at the request of the employer to conduct drug testing or to evaluate whether the Individual has a work-related illness or injury.

ABUSE OR NEGLECT 45 C.F.R. §164.512(c)

Iowa County may disclose PHI to the governmental entity or agency authorized to receive about victims of abuse, neglect, or domestic violence, if Iowa County believes an Individual has been a victim of abuse, neglect or domestic violence. The disclosure will be made consistent with the requirements of federal and state laws. The Iowa County will notify the Individual of the disclosure unless, in the exercise of professional judgment, the Iowa County believes informing the Individual would place them at risk of serious harm.

HEALTH OVERSIGHT 45 C.F.R. §164.512(d)

Iowa County may disclose PHI to a health oversight agency for activities authorized by law, such as audits, investigations, and inspections.

LEGAL PROCEEDINGS 45 C.F.R. §164.512(e)

The Iowa County may disclose PHI in the course of any judicial or administrative proceeding, in response to an order of a court or administrative tribunal (to the extent such disclosure is expressly authorized), in certain conditions in response to a subpoena, discovery request or other lawful process.

LAW ENFORCEMENT 45 C.F.R. §164.512(f)

The Iowa County may disclose PHI for law enforcement purposes, in the following situations:

1. If required by law (ex. reporting wounds or pursuant to a subpoena).
2. Limited information requests for identification and location purposes.
3. Pertaining to victims of a crime.
4. Suspicion that death has occurred as a result of criminal conduct.
5. In the event that a crime occurs on Iowa County premises.
6. Medical emergency if it is likely that a crime has occurred.

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USES AND DISCLOSURES ABOUT DECEDENTS 45 C.F.R. §164.512(g)

Coroners and Medical Examiners

Iowa County may disclose PHI to a coroner or medical examiner for identification purposes, determining cause of death or for the coroner or medical examiner to perform other duties authorized by law.

Funeral Directors

Iowa County may disclose PHI to a funeral director, as authorized by law, in order to permit the funeral director to carry out their duties. The Iowa County may disclose PHI in reasonable anticipation of death.

CADAVERIC ORGAN, EYE OR TISSUE DONATION 45 C.F.R. §164.512(h)

Iowa County may disclose PHI to organ procurement, banking or transplantation organizations for cadaveric organ, eye, or tissue donation purposes.

RESEARCH 45 C.F.R. §164.512(i)

Iowa County may disclose PHI to researchers when their research has been approved by an Institutional Review Board or a Privacy Board that has reviewed the research proposal and established protocols to ensure the privacy of the PHI.

AVERTING SERIOUS THREAT TO HEALTH OR SAFETY 45 C.F.R. §164.512(j)

Consistent with applicable federal and state laws, the Iowa County may disclose PHI, if in good faith, it believes that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. The Iowa County may also disclose PHI if it is necessary for law enforcement authorities to identify or apprehend an Individual.

SPECIALIZED GOVERNMENT FUNCTIONS 45 C.F.R. §164.512(k)

Military and Veterans Activities

Iowa County may disclose PHI of Individuals who are Armed Forces personnel for activities deemed necessary by appropriate military command authorities. Iowa County, Veteran's Affairs Department as a component of the Federal Department of Veterans Affairs, may disclose PHI for the purpose of determining eligibility for benefits. Iowa County may disclose PHI of an Individual who is foreign military personnel to foreign military authority.

National Security and Intelligence Activities

Iowa County may disclose PHI to authorized federal officials for conducting national security and intelligence activities, including for the provision of protective services to the President or others legally authorized.

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Correctional Institutions and Other Law Enforcement Custodial Situations

Iowa County may disclose to a correctional institution or law enforcement official PHI for the purposes of providing health care; for the purpose of health and safety of an Individual, other inmates or correctional employees; for the purpose of law enforcement on the premises of the correctional institution or for the administration and maintenance of safety, security and other good order of the correctional institution.

Government Entities Providing Public Benefits

Iowa County as a health plan may disclose PHI relating to eligibility for enrollment in the health plan to another agency administering a government program providing public benefits if the sharing of eligibility or enrollment information among such agencies or the maintenance of such information in a single combined data system accessible to all such agencies is required. In addition, Iowa County as a health plan may disclose PHI relating to the program to another Covered Entity that is a government program providing public benefits if the programs serve the same or similar populations and the disclosure of PHI is necessary to coordinate functions of the programs or improve administration and management.

WORKERS' COMPENSATION 45 C.F.R. §164.512(l)

PHI may be disclosed by Iowa County as authorized to comply with workers' compensation laws and other similar legally established programs.

Special conditions and limitations apply in each of the situations listed above. For example, PHI may be Used or Disclosed for research purposes only upon the approval of an Institutional Review Board or privacy board. The Privacy Officer must be contacted to approve the Use or Disclosure of PHI for any of the above special situations.

Disclosures That Require a Business Associate Contract.

Whenever Iowa County engages a third party to perform or assist in the performance of Iowa County's activities which may involve the use or disclosure of PHI to such third party, Iowa County will need to enter into a "Business Associates Agreement" with such party. Iowa County may Disclose PHI to a Business Associate or allow the Business Associate to create or receive PHI on Iowa County's behalf, if the Business Associate enters into a contact with Iowa County assuring that the Business Associate will appropriately safeguard the PHI.

Disclosures of Limited Data Sets.

Iowa County may Use or Disclose PHI that meets the definition of a Limited Data Set only if Iowa County enters into a Data Use Agreement with the recipient of the Limited Data Set, and if the recipient will use the Limited Data Set only for research, public health or Health Care Operations. Iowa County may Use PHI to create a Limited Data Set and may Disclose PHI to a Business Associate to create a Limited Data Set.

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If Iowa County personnel become aware of a pattern of activity that constitutes a material breach or violation of a Data Use Agreement, the personnel should notify the Privacy Officer, who will take reasonable steps to cure the breach or end the violation. If these steps are unsuccessful, Disclosure of PHI to the Limited Data Set recipient must be discontinued and the violation must be reported to the Secretary of the Department of Health and Human Services.

WORKFORCE DESIGNATION

In accordance with 45 C.F.R. §164.514(d)(2), the Iowa County has identified:

- 1) Those persons or classes of persons, as appropriate, in its workforce who need access to PHI to carry out their duties; and
- 2) For each such person or class of persons, the category or categories of PHI to which access is needed and any conditions appropriate to such access.

The following designations have been made:

Position/Job Title	PHI Access Required?	Category or Categories of PHI to be accessed	Method of access to PHI
Auditor & Auditor's Staff	Yes	Claims information, insurance information	Hard copies, digital and data systems
Board of Supervisors	Yes	Claims and Insurance Information, Appeals	Hard Copies
EMS & Safety Director	Yes	Client Medical Records and Employee Records.	Hard copies, digital and data systems
EMT/Paramedic	Yes	Client Medical Records	Hard copies, digital and data systems
Public Health Director	Yes	Client Medical Records	Hard Copy and electronic
Public Health Secretary	Yes	Client Medical Records	Hard Copy and electronic
Public Health Nurse	Yes	Client Medical Records	Hard Copy and electronic
Home Care Aide	Yes	Medical Charts on Assigned Clients	Hard Copy
Transportation Director	Yes	Client Files	Hard copies, digital and data systems
Transportation Office Staff	Yes	Client Files	Hard copies, digital and data systems
Transportation Driver	Yes	Client Files	Hard Copy
Mental Health / Social Services	Yes	Client Files	Hard copies, digital and data systems

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Veteran Affairs Staff	Yes	Client files related to Veteran Affairs	Hard copies, digital and data systems
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Iowa County shall make reasonable efforts to limit the access of such persons or class of persons identified in this designation to only the minimum necessary access that is required for the person or class of persons to perform their job function.

Other Permitted Uses and Disclosures.

Iowa County may also Use or Disclose PHI as follows:

1. Iowa County may Disclose PHI to the subject of the PHI;
2. Iowa County may Use or Disclosure PHI incident to a Use or Disclosure permitted or required by the Privacy Rule, provided that Iowa County has complied with the Minimum Necessary requirements and enacted reasonable safeguards to prevent the intentional or unintentional Use or Disclosure of PHI that is not in compliance with the Privacy Rule.

Mental Health Information and Other Situations in Which Iowa Law Provides Greater Protection for Data.

One example of an Iowa law that provides greater protection for information than does HIPAA, is Iowa's Mental Health Privacy Law at Iowa Code §228. Therefore, before disclosing Mental Health Information, the Iowa County must confirm with Legal Counsel that such disclosure is permitted under Iowa's Mental Health Privacy Law at Iowa Code §228. Mental Health Information is defined as oral, written, or recorded information which indicates the identity of an Individual receiving professional services and which relates to the diagnosis, course, or treatment of the Individual's mental or emotional condition. Iowa County shall not disclose Mental Health Information except as set out in this policy and in compliance with Iowa law regarding the disclosure of Mental Health Information.