

USING AND DISCLOSING INFORMATION FOR HEALTH CARE OPERATIONS

Policy Number: [Enter]

Effective Date: [Enter]

I. Policy

A. Purpose

This policy establishes guidelines to be followed by [Organization]’s workforce when using or disclosing information for Health Care Operations.

B. Policy Implementation—General Rule

[Organization]’s Own Health Care Operations

The general rule is that [Organization] or its workforce may use or disclose PHI without an individual’s HIPAA authorization for [Organization]’s own Health Care Operations purposes. “Health Care Operations” is broadly defined and includes certain administrative, financial, legal, and quality improvement activities that are necessary to operate [Organization]’s business and provide treatment services. See Policy number [Enter], Definitions, for the full definition of “Health Care Operations.”

Minnesota Law. Minnesota law generally requires [Organization] to obtain signed and dated patient consent prior to releasing health records, unless certain exceptions apply. [Organization] includes general language in its standard consent form indicating that [Organization] can disclose patient information for health care operations purposes. This satisfies the consent requirement under Minnesota law. [Organization] states in its Notice of Privacy Practices that it may use and disclose information for Health Care Operations; if there is language by which patient acknowledges and consents to the activities described as set forth in the Notice of Privacy Practices in [Organization]’s consent form, this would be an alternative option for the patient to provide the necessary consent under Minnesota law.

For more information about patient consent requirements under Minnesota law, refer to Policy [Enter], Consent to Disclose Health Information under Minnesota Law.

For information about unique requirements under the Minnesota Data Practices Act, refer to the guidance document entitled, “Additional Requirements under the Minnesota Data Practices Act.”

Substance Use Disorder Patient Records. Unique rules apply when [Organization] seeks to disclose substance use disorder patient records for Health Care Operations. [Organization] may disclose information without patient consent to a qualified service organization, provided certain requirements are met. See 42 CFR §

2.12(c)(4). Staff should review policy number [Enter], Disclosing Information to Business Associates, for more detail. In addition, [Organization] can disclose substance use disorder patient records without patient consent to an entity with direct administrative control over [Organization], or for audit and evaluation activities in accordance with 42 C.F.R. § 2.53. Staff should consult with [Organization]’s [compliance officer/privacy officer/other designee] to determine whether a disclosure of substance use disorder patient records is permitted without patient consent. Additional information can be found in policy number [Enter], Disclosures of Substance Use Disorder Patient Information.

Another Entity’s Health Care Operations

In addition, [Organization] can disclose PHI to another covered entity for the Health Care Operations of that covered entity in the following circumstances:

1. Each entity either has or had a relationship with the individual who is the subject of the PHI being requested and the PHI pertains to such relationship, and the disclosure is:
 - a. For conducting quality assessment and improvement activities, or other activities discussed in subsection (i) of the definition of “Health Care Operations” (see [Organization]’s Definitions Policy);
 - b. For reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance, and other activities discussed in subsection (ii) of the definition of “Health Care Operations” (see [Organization]’s Definitions Policy); or
 - c. For the purpose of health care fraud and abuse detection or compliance.
2. A covered entity that participates in an organized health care arrangement (an “OHCA”) may disclose PHI to other participants in the OHCA for any Health Care Operations activities of the OHCA; or
3. Pursuant to patient authorization that meets HIPAA standards.

C. Disclosure of Minimum Necessary

When [Organization] and its workforce uses and discloses PHI for Health Care Operations purposes, or discloses, it must comply with the minimum necessary rule. This means that it can use or disclose only the information that is necessary.

II. Procedure

When using or disclosing health information for Health Care Operations purposes, [Organization] and its workforce shall:

[Enter Organization Logo]

- A.** Contact [*Organization*]'s [*compliance officer/privacy officer/other designee*] to confirm that such tasks and activities qualify as "Health Care Operations";
- B.** Ensure the patient has acknowledged and consented to [*Organization*]'s Notice of Privacy Practices; if the patient has not, obtain signed and dated consent; and
- C.** Determine whether the purpose is for [*Organization*]'s own Health Care Operations or for the Health Care Operations of another covered entity.
 - a. If for [*Organization*]'s purposes, no further action is needed; the use or disclosure is permitted.
 - b. If for the Health Care Operations of another covered entity; comply with one of the three permitted circumstances listed above.