

**ADAMH BOARD OF FRANKLIN COUNTY
HIPAA Privacy Policy H.01.030**

**USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION TO CARRY OUT
TREATMENT, PAYMENT, OR HEALTH CARE OPERATIONS**

A. PURPOSE STATEMENT

The purpose of this policy is to issue instructions for the use and disclosure of protected health information for purposes of treatment, payment, and health care operations.¹

B. SCOPE

This policy applies to all ADAMH workforce members, including Board of Trustees members, employees, volunteers, trainees, and other persons whose conduct, in the performance of work for ADAMH, is under the direct control of ADAMH, regardless of whether they are paid by ADAMH.

C. POLICY STATEMENT

1. Permitted Uses and Disclosures: Except with respect to uses or disclosures that require an authorization or that are prohibited, ADAMH may use or disclose protected health information for treatment, payment, or health care operations, provided that such use or disclosure is consistent with this HIPAA regulation.
2. Consent for Uses and Disclosures Permitted²
 - a. ADAMH may obtain consent of the individual to use or disclose protected health information to carry out treatment, payment, or health care operations;
 - b. Consent shall not be effective to permit a use or disclosure of protected health information when an authorization is required or when another condition must be met for such use or disclosure to be permissible.
3. Treatment, Payment, or Health Care Operations
 - a. ADAMH may use or disclose protected health information for its own treatment, payment or health care operations;
 - b. ADAMH may disclose protected health information for treatment activities of a health care provider;
 - c. ADAMH may disclose protected health information to another covered entity or a health care provider for the payment activities of the entity that receives the information;
 - d. ADAMH may disclose protected health information to another covered entity for health care operations activities of the entity that receives the information, if each entity either has had a relationship with the individual who is the subject of the protected health information being requested, the protected health information pertains to such relationship, and the disclosure is for the purpose of health care operations listed below or for the purpose of health care fraud and abuse detection or compliance.
 - (1) Conducting quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, provided that the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; patient safety activities (as defined in 42 CFR 3.20); population-based activities relating to improving

¹ CFR Title 45, Section 164.506 Uses and Disclosures to Carry Out Treatment, Payment, or Health Care Operations

² "The Privacy Rule permits, but does not require, a covered entity voluntarily to obtain patient consent for uses and disclosures of protected health information for treatment, payment, and health care operations. Covered entities that do so have complete discretion to design a process that best suits their needs." (See: <http://www.hhs.gov/hipaa/for-professionals/faq/264/what-is-the-difference-between-consent-and-authorization/index.html>.) For a disclosure, Ohio law requires ADAMH attempt to obtain the person's consent for the disclosure.

**ADAMH BOARD OF FRANKLIN COUNTY
HIPAA Privacy Policy H.01.030**

health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

- (2) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance, health plan performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of non-health care professionals, accreditation, certification, licensing, or credentialing activities.