

**County Of San Diego
Health and Human Services Agency (HHSa)**

**Chapter: Health Insurance Portability and Accountability Act of 1996 (HIPAA)
Key Words: privacy, disclosure, secretary**

**SUBJECT: Disclosures to the Secretary of the
United States Department of Health
and Human Services**

**NO: HHSa-L-7
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DATE: July 20, 2007**

**REFERENCE: Federal Privacy Regulations, 45 C.F.R. Subtitle A, Subchapter C, Parts 160
and 164.**

PURPOSE: To establish a process to identify circumstances of when disclosure of an individual's (patient's/resident's/client's) protected health information (PHI) may be required to be provided to the Secretary of the Department of Health and Human Services.

BACKGROUND: County agencies designated as covered components must comply with privacy regulations promulgated under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). They must also comply with California laws and regulations pertaining to the use and disclosure of individually identifiable health information, unless such state laws and regulations are preempted by HIPAA.

HIPAA's privacy regulations outline many detailed requirements protecting the confidentiality of health information and providing individuals significant rights with respect to their health information. Compliance with these regulations is addressed in a series of County policies and procedures.

DEFINITIONS

Note: The definitions below are in compliance with HIPAA and the Standards for Privacy of Individually Identifiable Health Information (Privacy Rule).

Individually Identifiable Health Information: Information that is created or received by the County, identifies an individual (or could reasonably be used to identify an individual) and that:

- Relates to the past, present, or future physical or mental health or condition of an individual;
- Relates to the provision of health care to an individual; or
- Relates to the past, present, or future payment for the provision of health care to an individual.

This includes demographic information (such as name, address, date of birth, sex, and race) collected from an individual.

Protected Health Information (PHI): Individually identifiable health information that is transmitted or maintained by electronic or any other medium. PHI does not include educational records of students maintained by federally funded educational agencies or institutions or persons acting for these agencies or institutions. PHI also does not include records of (1) students who are 18 years or older or are attending post-secondary educational institutions, (2) maintained by a physical or mental health care provider, (3) that are made, maintained, or used only in connection with the treatment of the student, and (4) that are not available to

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anyone, except a health care provider or appropriate professional reviewing the record as designated by the student.

Secretary: The Secretary of the United States Department of Health and Human Services (HHS) or any other officer or employee of HHS to whom the authority involved has been delegated.

POLICY: In compliance with state and federal laws and regulations, the County will cooperate with investigations and reviews by the Secretary. The County will also provide records and reports and permit access to relevant information.

PROCEDURES:

The County will take responsibility for the following:

1. Provide Records and Compliance Reports:

The covered components of the County will keep such records and submit such compliance reports, in such time and manner and containing such information, as the Secretary may determine to be necessary to enable the Secretary to ascertain whether the covered component has complied with or is complying with the applicable requirements of 45 C.F.R. Part 160 and the applicable standards, requirements, and implementation specifications of subpart E of 45 C.F.R. Part 164.

2. Cooperate with Complaint Investigations and Compliance Reviews:

The covered components of the County will cooperate with the Secretary, if the Secretary undertakes an investigation or compliance review of the policies, procedures, or practices of a covered component to determine whether it is complying with applicable requirements of 45 C.F.R. Part 160 and the standards, requirements, and implementation specifications of subpart E of 45 C.F.R. Part 164.

3. Permit Access to Information:

- A. The covered components of the County will permit access by the Secretary during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays) to its facilities, books, records, accounts, and other sources of information, including PHI, that are pertinent to ascertaining compliance with the applicable requirement of 45 C.F.R. Part 160 and the standards, requirements, and implementation specifications of subpart E of 45 C.F.R. Part 164. If the Secretary determines that exigent circumstances exist, such as when documents may be

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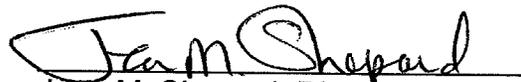
hidden or destroyed, the County will permit access by the Secretary at any time and without notice.

- B. If any information required of the covered component of the County under this policy is in the exclusive possession of any other agency, institution, or person and the other agency, institution, or person fails or refused to furnish the information, the County must certify and set forth what efforts it has made to obtain the information.

QUESTIONS/INFORMATION: Privacy Officer of the County of San Diego

SUNSET DATE: This policy will be reviewed for continuance by July 20, 2010.

Approved:



Jean M. Shepard, Director
Health and Human Services Agency