

# Health Insurance Portability and Accountability (HIPAA) Policy

## INTRODUCTION

For the first time, Congress has enacted a comprehensive law regulating the use and dissemination of protected health information about health care consumers within the United States. The law comes in response to the increasing mass of information which can be stored and disseminated electronically.

While Congress is regulating the unintended release of protected health information and enforcing new Federal standards for the privacy of health care information, it is most concerned about the sale or resale of protected health information for commercial gain.

When State laws are more stringent and offer more protection to the consumer than the new Federal law, the State law will control. A team of health care professionals in Iowa has reviewed all of the laws in which State law appears to control Federal law.

In addition to the privacy standards, Federal law now requires that Polk County process claims electronically for any provider who seeks to bill on a new universal claim form in electronic format. There are also new standards for the security of electronically stored health information.

## DEFINITIONS

**Protected Health Information (PHI):** Health information about an individual consumer containing a name associated with a diagnosis.

**Consumer:** A person who uses health care.

**Provider:** An entity who provides health care. Examples at Polk County include the health department, the jail, and youth services shelter and detention.

**Plan:** An entity who pays for health care based on criteria. Examples at Polk County include Polk County Health Services and the Auditor for some general assistance and Veteran's Affairs claims.

**Inmate:** A person residing in a correctional institution such as a jailor a juvenile detention center.

**Hybrid entity:** An entity which is mixed because it contains both covered health care functions and non-covered functions.

**Business Associate:** A separate entity which performs work for the County, such as, the independent Auditor, labs who do overflow work for the health department, out of county jails, and the like. Within the County, there are business associate type units such as General Services and the County Attorney's Office.

**Incidental disclosures:** The situations in which a small amount of information which is health care related is disclosed, but it is not substantial in amount. Examples would be that a taxi driver knows that the rider is going to the doctor, but does not need to know why.

## **POLICIES**

**Public policy:** Polk County operates in a public (open records) environment in using and disclosing information which in some instances is protected from disclosure by State or Federal law. Polk County will apply State and Federal law to determine what information to disclose when a request is received. Federal and State law also control the use and disclosure in the absence of a request. A Notice of Privacy Practices will be available to describe the specific uses and disclosures Polk County makes of PHI. Inmates will not receive a Notice unless Federal law is changed to require it. When required by State or Federal law, a written authorization will be obtained before PHI is disclosed.

**Consumer Access:** Polk County will permit consumers to have access to their own PHI records and will permit amendments to the records under appropriate circumstances. Offices and departments of Polk County will have appropriate procedures to permit access, amendment, restrictions and manner of communication with consumers.

**Minimum Necessary:** Only the minimum amount of information will be disclosed as appropriate in the context of the use or request. Electronically stored information will be safeguarded so that only appropriate personnel have access. When required by law or when circumstances warrant, the consumer will be given an opportunity to object to the release of PHI. There is no penalty for the incidental release of medical information.

**Work station practices and physical storage:** Care will be taken in the physical and electronic storage of PHI. Each office of Polk County will determine the level of appropriate care which should be taken in work station practices of officials and employees.

**Business associate agreements:** The Board will enter into appropriate business associate agreements on behalf of the County.

**Training and discipline:** Periodic training will be offered to employees regarding the implementation of HIPAA and appropriate use and disclosure of PHI. Appropriate disciplinary sanctions will be managed by the elected official in charge of each office or by the Board for employees reporting to the Board.

**Complaints and monitoring:** Dissatisfied or concerned persons may make an inquiry or complaint to the Privacy Officer. In addition, the Privacy Officer will periodically review with various offices and departments their compliance with the laws.

## **HYBRID ENTITY DESIGNATION**

Pursuant to 42 C.F.R §164.504(a) and (b), Polk County is required to designate which elements of the County are health care components as part of County operations.

Polk County is a hybrid organization with the following health care components:

Board of Supervisors

Sheriff's Office

Veteran's Affairs

Public Health Department

Community, Family, and Youth Services

Auditor's Office

General Services

Human Resources/Risk Management

Information Technology

Medical Examiner's Office

County Attorney

The following offices and departments are not subject to HIPAA privacy provisions:

Recorder's Office

Treasurer's Office

Polk County Conservation Board and employees

Public Works

Regional Facilities

Planning and Development

Special Projects

Contact: Health Department  
515-286-3759

Adopted: 4/1/03