



University of Connecticut Health Center

POLICY NUMBER 2003-03

January 29, 2008

POLICY: PRIVACY DEFINITIONS
(Privacy & Security of Protected Health Information (PHI))

PURPOSE:

The following definitions refer to terms used in UCHC Privacy Policies.

SCOPE:

This policy applies to all UCHC policies governing patient information.

POLICY STATEMENT:

The following are terms used in UCHC's privacy policies:

Accounting of Disclosures: A listing of all disclosures made by UCHC of a patient's PHI in the six years prior to the date on which the accounting is requested by the patient. Disclosures exempted from this listing are those made:

- Pursuant to the individual's own authorization
- To carry out treatment, payment and health care operations
- To individuals of PHI, both medical and dental about themselves
- For the facility's directory or to persons involved in the individual's care
- For national security or intelligence purposes
- To correctional institutions or law enforcement officials
- That occurred prior to the compliance date of April 14, 2003 for HIPAA.

Authorization: A release required in writing by the patient (or his/her representative) for all other uses and disclosures of PHI not included in treatment, payment or healthcare operations, such as when a patient requests his/her records for use outside of UCHC.

Business Associates are:

- persons who act on behalf of UCHC in performing a function or activity involving the use or disclosure of individually identifiable health information, including, but not limited to, claims processing or administration, analysis, processing or administration of data, utilization review, quality assurance, billing, practice management.
- persons who provide, other than in the capacity of a member of the workforce of UCHC, legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation or financial services to or for UCHC.

De-identification: means health information, both medical and dental that does not identify an individual. If there is no reasonable basis to believe that the information can be used to re-identify an individual, the information is not individually identifiable health information, both medical and dental.

Designated record set: A group of records maintained by or for UCHC, which are the medical records and billing records about patients used, in whole or in part, to make decisions about patients.

Disclosure: means with respect to individually identifiable health information, both medical and dental: the release, transfer, provision of access to, or divulging in any other manner of information outside the entity holding the information.

Fundraising: is defined as the organized activity of raising funds for an organizational cause.

Health care operations (medical and dental): means any of the following activities:

- 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; population-based activities relating to improving 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;
- Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider 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;
- Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;
Business planning and development
Business management and general administrative activities

Health Insurance Portability and Accountability Act (HIPAA): A federal law, the intent of which is to protect the privacy and security of patient health information, both medical and dental that is created or maintained by health care providers.

Individually Identifiable Health information, both medical and dental (IIHI): is a subset of health information, both medical and dental, including demographic and financial information collected from an individual, and:

- Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
- Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care, both medical and dental to an individual; or the past, present, or future payment for the provision of health care, both medical and dental to an individual which:

- Identifies the individual
- Or causes reasonable belief that such information can be used to identify the patient.

Marketing means:

- To make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service, unless the communication is made:
- To describe a health-related product or service (or payment for such product or service) that is provided by UCHC.
 - For treatment of the individual; or
 - For case management or care coordination for the individual, or
 - To direct or recommend alternative treatments, therapies, health care providers, or settings of care to the individual.
- An arrangement between a covered entity and any other entity whereby the covered entity discloses PHI to the other entity, in exchange for direct or indirect remuneration, for the other entity or its affiliate to make a communication about its own product or service that encourages recipients of the communication to purchase or use that product or service.

Minimum Necessary: UCHC shall make reasonable efforts not to use or disclose more than the minimum amount of PHI, both medical and dental, necessary to accomplish the intended purpose of the use or disclosure. All practical and technological limitations will be considered.

Notice of Privacy Practices: A document that provides an individual notice of the uses and disclosures of medical/dental PHI, that may be made by UCHC, and of the patient's rights and our legal duties with respect to medical/dental PHI. An acknowledgment of the Privacy Notice by the patient is obtained in writing.

Protected Health Information, both medical (including mental health) and dental (PHI): any type of individually identifiable health information, whether electronically maintained, electronically transmitted, or in any other format (i.e. discussed orally, on paper or other media, photographed or otherwise duplicated).

Record: means any item, collection, or grouping of information that includes PHI, both medical (including mental health) and dental and is maintained, collected, used, or disseminated by or for UCHC.

Required by law: means a mandate contained in law that compels UCHC to make a use or disclosure of PHI, both medical and dental, and that is enforceable in a court of law. Required by law includes, but is not limited to:

- court orders and court-ordered warrants;
- subpoenas or summons issued by a court, grand jury, a governmental or tribal inspector general, or an administrative body authorized to require the production of information;
- a civil or an authorized investigative demand;
- Medicare conditions of participation with respect to health care, both medical and dental providers participating in the program; and

- statutes or regulations that require the production of information, including statutes or regulations that require such information if payment is sought under a government program providing public benefits.

Research: means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.

Sanctions: A consequence given to members of UCHC's workforce who fail to comply with UCHC privacy policies and procedures.

Trading partner agreement: means an agreement related to the exchange of information in electronic transactions, whether the agreement is distinct or part of a larger agreement.

Treatment: means the provision, coordination, or management of health care, both medical and dental and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another.

Use: means, with respect to individually identifiable health information, both medical and dental: the sharing, employment, application, utilization, examination, or analysis of such information within UCHC.

Workforce: means employees, volunteers, trainees, and other persons whose conduct, in the performance of work for UCHC, is under the direct control of UCHC, whether or not they are paid by UCHC.

Reference: §160.103 and § 164.501 The Health Insurance Portability and Accountability of 1996

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02/06/08

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Date

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02/08/08

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Date

Originally Issued: April 14, 2003

Updated: n/a

Reviewed: 1/29/08 w/o changes