

LIVINGSTON COUNTY
ADMINISTRATIVE PROCEDURE
HIPAA-1

RESOLUTION #2013-04-107

LIVINGSTON COUNTY, MICHIGAN

APPROVED: APRIL 9, 2013

SUBJECT: PROTECTED HEALTH INFORMATION (PHI)

PURPOSE: TO OUTLINE CONDITIONS FOR SHARING PHI BETWEEN OR WITHIN DEPARTMENTS OR COUNTY OFFICES FOR THE PURPOSE OF TREATMENT, HEALTH CARE OPERATIONS OR PAYMENT.

DATE: APRIL 9, 2013

ORGANIZATIONS AFFECTED: ALL DEPARTMENTS/OFFICES

LEGAL CITATION/REFERENCE: RESOLUTION #2013-04-107 ADOPTING LIVINGSTON COUNTY HIPAA PRIVACY POLICIES AND DIRECTING THE APPOINTMENT OF COUNTY PRIVACY OFFICER

Applicability of the Following Procedures: These procedures are for the purpose of outlining the conditions under which Protected Health Information (PHI) is exchanged within and between Departments or Offices of Livingston County during the routine provision and coordination of treatment, payment or health care operations.

A. Disclosure of PHI between Departments or Offices of Livingston County Providing Treatment: Livingston County is a hybrid covered entity for the purposes of the Health Insurance Portability and Accountability Act ("HIPAA"). The Departments and/or Offices of the County often find they are providing service to the same person with multiple needs. In order to maximize the treatment effort and provide coordinated and unduplicated service, it is necessary to provide for disclosure and communication concerning these consumers between the HIPAA covered entities of Livingston County. The disclosure of information by a Department or Office to another may occur in the following circumstances:

1. To address whether a consumer, in possible need of treatment services provided by another Office or Department of the County, may or may not be able to obtain that care.
2. To prevent or address the possible duplication of treatment,
3. To assure the proper coordination of treatment services, payment and operations for mutual consumers or specific classes of consumers between the Offices or Departments of the County.
4. To refer a client to another Office or Department for diagnosis and treatment.

B. Limitation on the Disclosure of Information: Except in cases of emergency, the following services and information will not be subject to exchange and disclosure between Departments or Offices under this procedure without the specific authorization from the consumer or the consumer's personal representative.

1. **Exclusion of Addiction Services Program information.** Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug or alcohol abuse diagnosis, prevention, or treatment shall not be disclosed by the original Department holding the record regarding these services without a specific authorization signed by the client or his/her personal representative.
 2. **Exclusion of Genetic Testing information.** Information relating to the client's genetic testing information may not be used or discussed without a specific authorization signed by the client or his/her personal representative.
 3. **Exclusion of Psychotherapy Notes.** Notes recorded by a health care provider who is a mental health professional documenting or analyzing the contents of conversations during a private counseling session or a group, joint or family counseling session may not be disclosed without a specific authorization, signed by the client or his/her personal representative. However, team members within the same Department or Office may disclose a client's medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis and progress to date.
- C. Exclusion to Disclosure of Information.** Unless subject to a Court Order, or valid subpoena signed by a judge, PHI may not be disclosed between Departments or Offices which are HIPAA covered entities if the purpose of the disclosure is the initiation, substantiation of any criminal, civil, administrative, legislative or other proceeding conducted by federal, state or local authorities against the individual or to conduct any investigations of the individual, as a party to an action, suit or other proceeding.
- D. Identification of Individual Consumers.** Consumers may be identified by County staff as appropriate for the services of another County Department, based upon consumer statements, circumstances, or treatment needs. Disclosure to another Office or Department of an individual consumer's PHI will be documented in the record with the reason the consumer was identified, the purpose for the disclosure, and the staff to whom the disclosure was made.
- E. Established Departmental Information Exchanges.** Departments or Offices coordinating health care treatment services for County consumers may determine specific programs that require an exchange or disclosure of information to occur on a routine basis, as long as the Privacy Officials of each Department are alerted in writing to the exchange or disclosure and the following requirements are submitted in writing for approval by the disclosing program to the Privacy Official of the Department or Office to disclose the PHI:
1. **Specific Information to be disclosed;**
 2. **Purpose of the Disclosure;**
 3. **How the Disclosure will occur;**
 4. **How the PHI will be safeguarded, how - complaints, requests for access, amendment, or accounting will be processed.**
 5. **How any restrictions requested by and granted to the consumer will be implemented.**

6. **Retention and destruction of any information disclosed pursuant to this procedure will be retained or destroyed according to the receiving department's existing procedures. All records will be destroyed according to existing County retention policies and procedures consistent with their character.**

7. **The types of information listed above in B. are NOT exchanged.**

F. Outside Contractors. The exchange and disclosure of information with agencies subcontracting with the County Departments serving consumers may be considered as included within this procedure as long as the purpose for the exchange is for treatment, payment or operations and all other requirements of this procedure are addressed.

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