

<b>ADAMHS BOARD FOR MONTGOMERY COUNTY</b>		<b>BP # 501</b>	
<b>TITLE:</b> Safeguards for Protection of IIHI and PHI		<b>SUBJECT:</b> HIPAA	
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**PURPOSE:** The Health Insurance Portability and Accountability Act of 1996 (HIPAA) granted individuals the right to receive adequate notice of the uses and disclosures of their protected health information (PHI) that may be made by a covered entity, and the individual's rights and the entity's legal duties with respect to PHI. This policy has been developed to assist the Board to comply with the law and to guide Board staff in establishing appropriate and reasonable procedures to safeguard client's/member's protected health information.

**POLICY:**

1. All Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County officers, employees, and agents shall preserve the integrity and the confidentiality of individually identifiable health information (IIHI) pertaining to each client/member. This IIHI is protected health information (PHI) and shall be safeguarded to the degree possible in compliance with the requirements of the privacy and security rules established under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
2. Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County will establish and maintain reasonable ADMINISTRATIVE, TECHNICAL AND PHYSICAL safeguards to protect the integrity, security and confidentiality of all client/member protected health information against any reasonably anticipated threats and hazards and unauthorized uses and disclosures of the information. Such safeguards shall apply to any medium (i.e. electronic, paper, verbal) used to create, transfer or store protected health information. This includes but is not limited to the following: Paper Clinical Records, Electronic Databases, and Facsimilies. Procedures shall be maintained and followed for all handling of IIHI and PHI at the Board.
3. Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County and its officers, employees, and agents will not use or disclose an individual's protected health information for any purpose without the properly documented consent or authorization of the client/member or his/her authorized representative unless required to do so by federal and or state law or regulation; unless an emergency exists; unless permitted by this or other policies of the Board; or, unless the information has been sufficiently de-identified that the recipient would be unable to link the information to the client/member.

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4. Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County recognizes that medical and other information collected about clients/members must be accurate, timely, complete, and available when needed. Board officers, employees, and agents will:
  - Use their best efforts to ensure the accuracy, timeliness, and completeness of records and to ensure that authorized personnel can access them as appropriate.
  - Complete and authenticate medical records in accordance with the law, medical ethics, and accreditation standards.
  - Maintain medical and HIPAA compliance records for the retention periods required by law and professional standards.
5. All officers, employees and agents of the Board shall comply with the standards set forth in this policy. Violation of this policy and unauthorized uses and/or disclosures of protected health information are very serious offenses. Not only is violation of this policy grounds for disciplinary action, up to and including termination of employment, but violations related to unauthorized use and disclosure of protected health information may be subject to civil and criminal penalties including significant monetary costs and incarceration.

## **Definitions**

- 1.1 Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA is comprehensive law enacted by the United States government. The law has several subparts providing such benefits as guaranteed portability and renewal of insurance benefits between employers, tax provisions for medical savings accounts and administrative simplification to improve the efficiency and effectiveness of the health care system. During the latter part of the 1990's, the Secretary of the Department of Health and Human Services drafted regulations for standardizing the electronic interchange of administrative and financial data and protecting the security and privacy of personal health information. HIPAA requires health care providers, health plans and health care clearinghouses to transition to the use of standard code sets and "electronic data interchange (EDI) and to maintain reasonable and appropriate administrative, technical, and physical safeguards to insure the integrity and confidentiality of healthcare information; to protect against reasonably foreseeable threats and hazards to the

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security or integrity of the information; and, to protect against unauthorized uses or disclosure of the information. Compliance with the first of the HIPAA rules is scheduled for early 2003. HIPAA also provides criminal penalties for failure to comply with the regulations.

- 1.2 Individually Identifiable Health Information (IIHI). A subset of health information, including demographic information collected from an individual and that is created or received by a health care provider and relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual, and which identifies the individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.
- 1.3 Protected Health Information (PHI). The final rule defines PHI as individually identifiable health information that is transmitted by electronic media; maintained in any electronic medium such as magnetic tape, disc, optical file; or transmitted or maintained in any other form or medium (i.e. paper, voice, Internet, fax etc.).
- 1.4 Designated Record Set. A group of records maintained by or for the agency that is:
  - a. The medical records and billing records about individuals maintained by or for the agency
  - b. The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan
  - c. Used, in whole or in part, by or for the agency to make decisions about the individual.
  - d. Medical records of individuals treated by defunct agencies that are now maintained by the Board
- 1.5 Administrative Safeguards. Documented, formal practices to manage (1) the selection and execution of security measures to protect health information and, (2) the conduct of personnel in relation to protection of health

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- 1.6 Physical Safeguards. Protection of physical computer and paper record systems and related buildings and equipment from fire and other natural and environmental hazards, as well as from intrusion. Also covers the use of locks, keys, transport and administrative measures used to control access to record systems and facilities. Also includes designation of secure faxes and their environments and procedures.
- 1.7 Technical Safeguards. The processes that are put in place to protect data maintained in an electronic format from unauthorized use or intrusion. These processes may apply to data stored on an individual computer or to data communicated on a network.