



KEY HIPAA DEFINITIONS

For Reference Only

Revised September 30, 2010

Breach means an unauthorized acquisition, access, use or disclosure of protected health information that is not permitted or authorized by the HIPAA Privacy Rule and which poses a significant risk of financial, reputational or other harm to the individual whose information was obtained.

Business Associate means a person or entity who, on behalf of Oak Hill, and other than in the capacity of a workforce member: performs or assists in the performance of a function or activity that involves the use or disclosure of protected health information; or provides legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services.

Covered Entity is an entity that must comply with the requirements of HIPAA. For purposes of this Policy, it means Oak Hill, and all of Oak Hill's subsidiary and affiliated organizations and programs.

Disclosure means the release, transfer, provision of access to, or divulging in any other manner of information outside of Oak Hill.

Health Care means care, services or supplies related to the health of an individual, including, but not limited to preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of an individual or that affects the structure or function of the body.

Health Care Operations includes functions of Oak Hill such as:

- quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, provided that acquiring generalizable knowledge is not the primary purpose of any study 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 program participants 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 staff, 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; and accreditation, certification, licensing, or credentialing activities;

- conducting or arranging for medical review, legal services, and auditing functions, including health care fraud and abuse detection or compliance;
- business planning and development, including cost management and planning related analysis; and
- business management and general administrative activities, including HIPAA compliance; customer service; resolution of complaints; transfer upon sale, transfer, merger or consolidation of Oak Hill; creating de-identified health information; and fundraising; and
- all licensing, regulatory, investigatory and other functions required or permitted by any state or federal agency.

Health care provider means a provider of medical, health or related services and any other person or organization that furnishes bills or is paid for health care in the normal course of business.

HIPAA means the Health Insurance Portability and Accountability Act of 1996

HITECH means the Health Information Technology for Economic and Clinical Health Act of 2009, which amends HIPAA.

Individual means the person who is the subject of the protected health information.

Individually Identifiable Health Information means information, including demographic information, collected from an individual, provided the information:

- Is created or received by Oak Hill;
- Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care or habilitative services and supports to an individual; or the past, present, or future payment for the provision of health care to an individual; and
- Identifies the individual or leaves a reasonable basis on which to believe the information could be used to identify the individual.

Marketing means to make a communication about a product or service, directly or by arrangement with another entity, to encourage recipients of the communication to purchase or use the product or service. *Marketing* does not include a communication made to an individual:

- To describe the entities participating in a health care provider network, or to describe whether and how a product or service (or payment of such product or service) is provided by Oak Hill;
- For treatment of that individual; or
- For case management or care coordination for that individual, or to direct or recommend alternative treatments, therapies, health care providers, or settings of care to that individual.

Payment means activities undertaken by Oak Hill to obtain or provide reimbursement for health care, including determinations of eligibility or coverage, billing, certain collection activities, medical necessity determinations, and utilization review.

Personal Representative means a person who has legal authority to make decisions related to health care on behalf of another person, including parents, guardians and conservators.

Privacy Officer means an individual designated by Oak Hill to coordinate and oversee all activities related to the implementation and maintenance of Oak Hill's policies and procedures for the proper use and disclosure of health information.

Protected Health Information (“PHI”) means individually identifiable health information in any form relating to the past, present or future physical or mental health condition of an individual, provision of health care or rehabilitative services and supports to an individual, or the past, present or future payment for health care provided to an individual. Protected health information excludes individually identifiable health information in education records covered by the Family Educational Rights and Privacy Act (FERPA).

Secretary means the Secretary of the Department of Health and Human Services (“DHHS”) or any other person or organization to whom authority is delegated.

TPO means treatment, payment and health care operations.

Treatment means the provision, coordination, or management of health care and related services, consultation between providers relating to the individual, or referral of an individual to another provider for health care.

Unsecured means PHI that is not rendered unusable, unreadable or indecipherable to unauthorized individuals through the use of technology or methodology as specified by the government.

Use means the sharing, employment, application, utilization, examination, or analysis of PHI by Oak Hill.

Workforce means employees, volunteers and trainees of Oak Hill as well as independent contractors and consultants who are hired or retained by Oak Hill to provide health care and other services and supports.

SUMMARY

USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION

To identify permitted and required disclosures of an individual's PHI.

- A. **Generally.** Oak Hill may not use or disclose PHI unless it is permitted or required by Connecticut or Federal law. The Privacy Officer should carefully review Connecticut and Federal law before permitting the use or disclosure of PHI.

- B. **Permitted Disclosures.** Oak Hill may disclose PHI under the following circumstances:
 - 1. To the individual or his/her representatives, subject to certain restrictions;
 - 2. For treatment, payment, or health care operations;
 - 3. For reasons other than treatment, payment, or health care operations pursuant to a valid authorization; and
 - 4. For certain fundraising, facility directories and to persons involved in care with the individual's permission.
 - 5. To comply with any licensing, regulatory, investigatory or other functions required or permitted by any state or federal agency.

- C. **Required Disclosures.** Oak Hill is required to disclose PHI under the following circumstances, if applicable:
 - 1. To the individual pursuant to his/her right of access;
 - 2. To the individual pursuant to his/her right to an accounting of disclosures;
 - 3. To the Secretary for compliance and enforcement purposes; and
 - 4. As required by state and federal law.