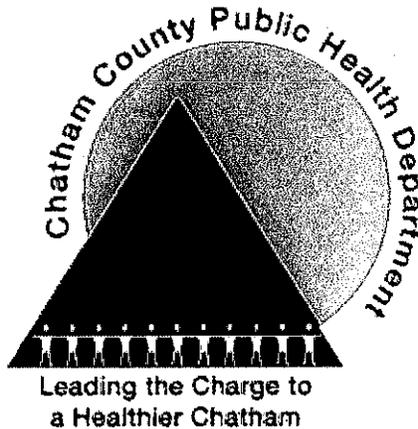


Chatham County Public Health Department
Protected Health Information Policy, 01-05

CHATHAM COUNTY PUBLIC HEALTH DEPARTMENT



"LEADING THE CHARGE TO A HEALTHIER CHATHAM"

Protected Health Information Policy

POLICY NUMBER: 01.05

APPROVAL DATE BY BOARD OF HEALTH:

October 9, 2012

SIGNATURES:

Wally Coleman
Health Director

Debbie Garrett
Director of Nursing

Origination Date March 25, 2003

Revision Date 8/17/04; 1/11/08; 7/17/09; 8/29/11; 9/6/12; 10/9/12

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I. GOAL

- A) To ensure confidentiality, privacy and security of protected health information contained in patient/client records; following all federal, state, and agency requirements and guidelines.

II. PURPOSE

- A) The purpose of the Protected Health Information (PHI) Policy is to ensure confidentiality, privacy and security of PHI contained in patient/client designated record sets, to assure that legal requirements and program standards are met, to ensure uniformity and efficiency of patient/client records, and to provide documentation of patient/client care for audit, statistical and billing purposes.

III. REFERENCES

- A) The current Retention and Disposition Schedule, NC Department of Cultural Resources Division of Archives Guidelines to purge health information at the end of each fiscal year.
Health Insurance Portability and Accountability Act (HIPAA) of 1996
NC Law General Statutes: G.S. 130A-209(a), G.S. 130A-143(6), G.S. 130A-385, G.S. 7B-302, G.S. 7B-601, G.S. 7B-1413, G.S. 130A-12, G.S. 130A-5(2), G.S. 130A-1449B, G.S. 51-2A(d) 29 CFR 1910.1020 Clinical Laboratory Improvements Act (CLIA) of 1988
NC Records Disposition Schedule for Local Health Departments, September 7, 2007
- B) Chatham County Public Health Department 01.18 Quality Improvement Policy
- C) Chatham County Public Health Department 09.02 Eligibility for Services Policy
- D) Chatham County Public Health Department 09.11 Collection and Use of Social Security Numbers by CCPHD
- E) Chatham County Public Health Department 09.12 Medical Record Entries Policy
- F) Chatham County Public Health Department 09.13 Medical Record Keeping Policy
- G) Chatham County Public Health Department 09.19 Establishing Identity for Designated Record Set Policy
- H) Chatham County Public Health Department 01.05 Protected Health Information Policy Procedures Manual July 2009, updated December 2011.

IV. DEFINITIONS

- A) **Authorized Personnel:** Providers, nurses, interpreters, nutritionist, lab technician, CC4C and OBCM case managers.
- B) **Personnel authorized to process and re-file medical records:** Administrative support, billing, interpreters and other staff trained to process and file medical records.
- C) **CCPHD:** Chatham County Public Health Department
- D) **Designated Record Set:** Health information created and/or maintained by Chatham County Public Health Department and its Business Associates for the purpose of making decisions about individuals. These include the paper active/inactive medical, case management and

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care coordination records, death certificates, and paper and electronic claims submitted to third party payers. Information that is not included in a Designated Record Set are: 1) psychotherapy notes, 2) copies already maintained in the "official" record, 2) quality improvement records, 4) risk management records, 5) cancer registry information, 6) research documents, 7) appointment schedules, 8) information compiled for civil, criminal, or administrative action, 9) information subject to the Clinical Laboratory Improvements Act (CLIA), 10) records from other agencies, 11) coding worksheets, 12) notification of bankruptcy claims, and 12) birth certificates.

- E) **Health Information:** Any information, whether oral or recorded in any form or medium, that is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse and related 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.
- F) **HIPAA:** (HIPAA) Health Insurance Portability and Accountability Act of 1996
- G) **Individually Identifiable Health Information:** Information that is a subset of health information, including demographic information collected from an individual, and is recreated 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 to an individual, or the past, present, or future payment for the provision of health care to an individual and that identifies the individual with respect to which there is a reasonable basis to believe the information can be used to identify the individual.
- H) **Protected Health Information: (PHI)** Individually identifiable health information whether oral or recorded, transmitted or maintained in any form or medium 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. Exclusions: education records covered by the Family Educational Right & Privacy Act, and employment records held by a covered entity in its role as an employer.
- I) **Privacy Officer:** The Privacy Officer oversees all ongoing activities related to the development, implementation, maintenance of, and adherence to Chatham County Public Health Department's policies and procedures covering the privacy of, and access to, protected health information in compliance with state and federal laws and the healthcare organization information privacy practices. The Director of Nursing of the Health Department is appointed as the Privacy Officer.
- J) **Use:** Means the sharing, employment, application, utilization, examination, or analysis of protected health information within an entity that maintains such information.

V. FOCUS POPULATION

- A) The population of focus for this policy is employees, contract staff, students, volunteers and all clients served in clinical or care coordination services by Chatham County Public Health Department.

VI. POLICY

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- A) Chatham County Public Health Department will initiate and maintain all patient/client records in a systematic way per the guidelines of each respective area of client service provided and according to HIPAA regulations to safeguard every patient's/client's Protected Health Information.

VII. SERVICE PLAN

- A) It is the stated policy of the Chatham County Public Health Department (CCPHD) and HIPAA regulations to preserve the confidentiality of our clients and all information and/or records pertaining to a clients' health.
1. All health records will be safeguarded against unauthorized disclosure while in use.
 2. All health records are to be maintained in such a way as to preclude loss or damage.
 3. When not in use, health records must be secured by lock in the medical record department, and/or designated areas for health record storage.
 4. Upon employment, employees, contract personnel, business associates, students, reviewers, and volunteers are required to read and sign the Confidentiality Agreement and the Computer and Information Usage Agreement.
- B) All charts are to be maintained and filed in a secure and HIPAA compliant area. Only specifically authorized personnel are allowed to retrieve, process and re-file patient charts.
- C) Client records shall not be kept overnight or weekends by an employee. Ideally, all client records shall be returned to the records area fifteen minutes prior to the office closing on the day in which the record was checked out, however, after hours, staff is responsible for returning files to secure designated areas.
- D) Transporting of client records off-site will be done according to the guidelines of the CCPHD 09-13 Medical Record Keeping Policy, which designates that records are to be secured in a locked box or bag, and that vehicle must be locked when transporting client PHI during the course of work responsibilities.
- E) All fax machines that are authorized to receive personal and/or protected health information are securely maintained out of the public areas of the clinics.
- F) Client social security numbers are recorded on the patient data form and are used only as required. Refer to the Collection and Use of Social Security Numbers by Chatham County Public Health Department Policy, 09-11
- G) Authorizations to release protected health information are required by HIPAA with a few exceptions. The Notice of Privacy Practice outlines to whom and when consent to release is and is not required. CCPHD follows those guidelines set in the HIPAA policy and federal and state regulations. The Notice of Privacy is available to each client upon registration for services at CCPHD.
1. Any state or federal laws and regulations that are more strenuous than HIPAA regulations for disclosing protected information are followed.
 2. A signed consent or agency referral is required in some instances before health information is released.
- H) The CCPHD follows the current Retention and Disposition Schedule for Local Health Departments to purge health information.
- I) All administrative and clinical services are provided to CCPHD clients in a manner and location that respects client dignity and privacy according to HIPAA policy.

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1. Clients are asked to provide verbal personal information in a private area.
 2. If a client can't read or write, the medical office assistant will assist the client in completing registration paperwork. It is noted on the registration form that the client needs help completing paperwork because they cannot read or write. The clinical staff takes the client to a private interview room to gather information.
 3. Limited English proficient clients are escorted by the interpreter from the waiting room to the clinical area to complete any required paperwork needed to serve the client.
- J) To safeguard electronic protected health information, all staff that need to access Protected Health Information must be approved by the Health Director or designee.
- K) Chatham County Public Health Department does not send or receive any Protected Health Information by text messaging.

VIII. APPENDIX

- A) None

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