

6001-D PERMITTED USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION

REVISION DATES: 11/9/22, 9/01/14

EFFECTIVE DATE: July 31, 1993

REFERENCES: 45 CFR 160.103(5), A.R.S. §§ 36-568(01), Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191

PURPOSE

This policy applies to all Division staff and covered entities authorized to use and disclose Protected Health Information. This policy sets forth the lawful use of disclosing Protected Health Information without written consent from the individual whose health information is being disclosed.

DEFINITIONS

1. "Protected Health Information" means individually identifiable health information, as specified in 45 CFR 160.103(5), about an individual that is transmitted or maintained in any medium where the information is:
 - a. Created or received by a health care provider, health plan, employer, or health care clearinghouse.
 - b. Relates to the past, present or future physical or mental health condition of an individual, provision of health care to an individual, or payment for the provision of health care to an

individual.

2. “Responsible Person” means the parent or guardian of a developmentally disabled minor, the guardian of a developmentally disabled adult, or a developmentally disabled adult who is a member or an applicant for whom no guardian has been appointed.

POLICY

A. PERMITTED USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION

1. The Division shall treat information obtained and records prepared during the course of providing any services to Division members as confidential and privileged matter.
2. The Division shall disclose those records only as authorized by state or federal law, including the Health Insurance Portability and Accountability Act, or pursuant to the following:
 - a. When the responsible person designates in writing persons to whom records or information may be disclosed.
 - b. For treatment, payment, and health care operations activities.
 - c. To the extent necessary to make claims on behalf of a member for aid, insurance, or medical assistance to which the member may be entitled.

- d. Pursuant to a court order.
- e. In communications between professional persons in providing services or appropriate referrals.
- f. When such a disclosure is necessary to protect against a clear and substantial risk of imminent serious injury.
- g. To the superior court when a petition to establish guardianship for the member is filed pursuant to A.R.S. Title 14, Chapter 5.
- h. To public health authorities authorized by law to collect or receive such information for preventing or controlling disease, injury, or disability, and to public health or other government authorities authorized to receive reports of child abuse and neglect.
- i. To appropriate government authorities regarding victims of abuse, neglect, or domestic violence.
- j. To health oversight agencies for purposes of legally authorized health oversight activities such as audits and investigations necessary for oversight of the healthcare system.
- k. To other state agencies or bodies for official purposes.
 - i. The Information shall be disclosed without the

designation of the name of the member unless the name is required for the official purposes of state agencies or bodies requesting such information.

ii. Information received by a state agency or body shall be maintained as confidential unless a consent to release has been given as provided in this section.

I. To a law enforcement agency or a county medical examiner in the performance of official duties, unless the records requested relate to a person who is the subject of a criminal investigation, in which case the records may only be released pursuant to a court order or grand jury subpoena.

B. ACCOUNTING OF DISCLOSURES

The Division shall provide an accounting of disclosures upon written request from the responsible person.

C. CONFIDENTIAL COMMUNICATIONS REQUIREMENTS

The Division shall provide an alternative means or location for receiving communications of protected health information upon written request from the responsible person.