



*University Community (faculty, staff and students)*

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
HIPAA PRIVACY: USE OF PROTECTED HEALTH INFORMATION FOR PURPOSES OF TREATMENT, PAYMENT AND HEALTH CARE OPERATIONS	September 1, 2009	1640.005

**POLICY STATEMENT (R\*)**

In accordance with state and federal laws and regulations including, without limitation, the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), Florida International University may use or disclose protected health information as set forth herein.

**REASON FOR POLICY (O\*)**

The HIPAA Privacy Rule provides that health care providers may not use or disclose protected health information except as permitted or required by it. The purpose of this policy is to describe how Florida International University Health Care Components will protect the privacy of its patients' protected health information (PHI) while allowing employees to use and disclose PHI for purposes of treatment, payment, or health care operations.

**RELATED INFORMATION (O\*)**

HIPAA Privacy Rule, 45 C.F.R. §§164.502 and 164.506.

**DEFINITIONS (R\*)**

“Covered entity” means a health plan, health care clearinghouse, or health care provider who transmits health information in electronic form in connection with a health care Transaction.

“Health care component” means a component or combination of components of a hybrid entity that has been specifically designated by the covered entity because it either performs covered functions; or activities that would make such component a business associate of a component that performs covered functions if the two components were separate legal entities.

“Health care operation” relates to the following activities of FIU to the extent they are related to health care functions:

- Conducting quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines provided that the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives;
- Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance, health plan performance,
- Conducting training programs in which 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, accreditation, certification, licensing, or credentialing activities;
- Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;
- Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the institution, including formulary development and administration, development or improvement of methods of payment or coverage policies; and
- Business management and general administrative activities of the institution, including, but not limited to: customer services, resolution of internal grievances, sale, transfer, merger, or consolidation of all or part of the covered entity with another covered entity and due diligence related to such activity;
- Creating de-identified health information or limited data sets,
- Fundraising on behalf of FIU when an authorization is not required.

“Hybrid entity” means a single legal entity:

- That is a covered entity;
- Whose business activities include both covered and non-covered functions; and
- That designates as health care components those units of the business that perform the function of a health plan, health care clearinghouse, or health care provider who transmits health information in electronic form in connection with a Transaction.

“Individually identifiable health information” means information that is a subset of health information, including demographic information collected from an individual, and:

- Is created 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
  1. That identifies the individual; or
  2. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.

“Payment” includes activities undertaken by a health care provider or health plan to obtain or provide reimbursement for the provision of health care or a health plan’s efforts to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits under the health plan.

“Protected health information” or “PHI” means individually identifiable health information that is:

- Transmitted by electronic media;
- Maintained in electronic media;
- Transmitted or maintained in any other form or medium.
- Protected health information specifically excludes:
  1. Education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. § 1232g (“FERPA”);
  2. Records described at 20 U.S.C. § 1232g(a)(4)(B)(iv); and
  3. Employment records held by a covered entity in its role as an employer.

“Treatment” means the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another.

“Sensitive protected health information” or “sensitive PHI” means protected health information that pertains to (i) an individual's HIV status, and/or test results, or treatment of an individual for an HIV-related illness or AIDS, (ii) an individual's substance abuse condition or the treatment of an individual for a substance abuse disorder or (iii) an individual's mental health condition or treatment of an individual for mental illness, or (iv) an individual’s genetic test results and evaluation.

“Workforce” or “workforce member” means part-time, full-time and temporary faculty and staff, students, volunteers, trainees, and other persons whose conduct, in the performance of work for the University, is under the command of the University (regardless of whether or not they are paid by the University).

### **PROCEDURES (O\*)**

1. Protecting the privacy and confidentiality of patients' PHI.
  - a. In accordance with state and federal laws and regulations including, without limitation, HIPAA, Florida International University Health Care Components will:
    1. appropriately use, manage, control, disclose, and release PHI; and
    2. comply with the terms of Florida International University’s Notice of Privacy Practices.
  - b. Employees whose job description or job function requires signing a Confidentiality Agreement will be asked to sign the Agreement as a condition of employment.
  - c. Florida International University will provide training to members of its workforce in each health care component to educate them about how the University will use, manage, control, disclose, and release patients' PHI. This training will also explain the terms and requirements contained in Florida International University Notice of Privacy Practices.
  - d. Employees and individuals who are affiliated with Florida International University will continue to comply with existing state and federal laws and regulations that govern the confidentiality of sensitive protected health information.

2. Using and disclosing PHI. Florida International University health care components will use and disclose a patient's PHI in accordance with state and federal laws and regulations including, without limitation, HIPAA, and primarily for purposes of:
  - a. Treatment.
    1. Florida International University may use a patient's PHI to provide him/her with treatment
    2. A patient's PHI may be shared by different departments of Florida International University as long as each department sharing the PHI is providing or has, in the past, provided treatment.
    3. Florida International University may disclose a patient's PHI to its physicians, other health care professionals, and other Florida International University personnel who are involved in the patient's care.
    4. Florida International University may disclose a patient's PHI to individuals outside Florida International University who are involved in the patient's care.
  - b. Payment.
    1. Florida International University may use and disclose a patient's PHI to bill and collect for the treatment provided to the patient.
    2. Florida International University may disclose a patient's PHI to the patient's health plan to obtain prior approval for treatment and/or to determine whether the patient's plan will cover the treatment.
    3. Florida International University may disclose a patient's PHI to other health care providers to facilitate the other health care providers' billing and collection efforts and as permitted by law.
  - c. Health care operations.
    1. Florida International University may use and disclose a patient's PHI for purposes of its own operations.
    2. Florida International University may combine PHI about many patients to decide what additional services should be offered, what services are not needed, and whether certain new treatments are effective.
    3. Florida International University may combine the PHI in its possession with PHI from other health care providers in order to compare its performance with other like providers and to make improvements in the care and services offered.
    4. Florida International University may disclose a patient's PHI to its physicians, other health care professionals, and other Florida International University personnel for educational purposes.
    5. Florida International University may disclose a patient's PHI to other health care organizations as permitted by law.
3. Questions. Questions about using or disclosing PHI or about the Florida International University Notice of Privacy Practices should be directed to the employee's supervisor, the HIPAA Privacy Coordinator for the area or the University Privacy Officer.

**RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R\*)**

Division of Academic Affairs  
Florida International University

**RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R\*)**

University Compliance Officer and  
Interim Privacy Officer  
University Compliance Office PC 520  
11200 S.W. 8<sup>th</sup> Street  
Miami, FL 33199  
Telephone Number: (305) 348-2216

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For any questions or comments, the "Document Details" view for this policy online provides complete contact information.

**\*R = Required \*O = Optional**