

# LOS ANGELES GENERAL MEDICAL CENTER POLICY

Subject: <b>PROTECTED HEALTH INFORMATION: USE AND DISCLOSURE WITHOUT AUTHORIZATION</b>	Original Issue Date: 4/14/03	Policy # <b>400.4</b>
	Supersedes: 11/12/13	Effective Date: 2/5/24
Policy Owner(s): Health Information Director Executive Sponsor(s): Chief Operations Officer		
Departments Consulted: Health Information Management HIPAA (Health Insurance Portability and Accountability Act) Compliance Office Health Information Committee	Reviewed & approved by: Attending Staff Association Executive Committee Senior Executive Officer	Approved by:  Chief Operations Officer
		Chief Executive Officer

## PURPOSE

To outline the appropriate uses and disclosures of protected health information (PHI) that are allowed without authorization or an opportunity to agree or object in accordance with the Privacy Standards of the Health Insurance Portability and Accountability Act of 1996, 45 Code of Federal Regulations, Parts 160 and 164 ("HIPAA Privacy Rule").

## POLICY

It is the policy of the Los Angeles General Medical Center that its uses and disclosures of PHI are in accordance with applicable law. Prior to using or disclosing PHI, the Medical Center must obtain authorization if so required by the HIPAA Privacy Rule, provide the individual with an opportunity to agree or object, or otherwise follow the requirements set forth in this policy. In specified circumstances, as set forth in this policy, the Medical Center may use or disclose PHI without an individual's authorization.

## DEFINITIONS

### Protected Health Information (PHI)

Information that is created or received by a health care provider, health plan, employer, or health care clearinghouse; 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 identifies the individual (or for which there is a reasonable basis for believing that the information can be used to identify the individual).

### Public Health Authority

An agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate.

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<b><u>Use or Uses</u></b>	With respect to PHI, the sharing, employment, application, utilization, examination, or analysis of such information within the Medical Center's internal operations.
<b><u>Authorization</u></b>	The signed authorization language used by the Medical Center to obtain an individual's permission prior to using or disclosing that individual's PHI for purposes that do not fall within the definitions of treatment, payment, or health care operations activities, or are otherwise not allowed by applicable law.
<b><u>Disclose or Disclosure</u></b>	With respect to PHI, the release of, transfer of, provision of access to, or divulging in any other manner PHI outside of the Medical Center's internal operations or to other than its workforce members.
<b><u>Opportunity To Agree Or Object</u></b>	Individuals shall have the opportunity to agree or object to their PHI being used or disclosed for the hospital's facility directory, to third parties involved in their care or payment for such individuals' care, for notification purposes, and for disaster relief purposes.
<b><u>Correctional Institution</u></b>	Any penal or correctional facility, jail, reformatory, detention center, work farm, halfway house, or residential community program center operated by, or under contract to, the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, for the confinement or rehabilitation of persons charged with or convicted of a criminal offense or other persons held in lawful custody. Other persons held in lawful custody include juvenile offenders adjudicated delinquent, aliens detained awaiting deportation, persons committed to mental institutions through the criminal justice system, witnesses, or persons awaiting charges or trial.
<b><u>Law Enforcement Official</u></b>	An officer or employee of any agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, who is empowered by law to (1) investigate or conduct an official inquiry into a potential violation of law; or (2) prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.
<b><u>Inmate</u></b>	A person incarcerated in or otherwise confined to a correctional institution.
<b><u>Treatment</u></b>	The provision, coordination, or management of health care and related service by one or more health care providers, including the coordination or management of health care by a health care provider with a third party, and includes consultation between health care providers relating to a patient or a referral of a patient by one health care provider to another.

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## **PROCEDURE**

The Medical Center shall obtain the patient's written authorization or provide the individual with the opportunity to agree or object, if so, required by law, before using or disclosing the patient's PHI, **unless** the use or disclosures relate to:

- The Medical Center's own treatment, payment, or health care operations;
- Treatment by another health care provider (even if not covered under the HIPAA Privacy Rule);
- Payment of another covered entity under the HIPAA Privacy Rule or another health care provider (even if not covered under the HIPAA Privacy Rule);
- Health care operations of a covered entity, subject to the limitations of 45 Code of Federal Register, Section 164.506(c)(4);
- Disclosure to the individual about his or her own PHI;
- Disclosure of a patient's PHI to his or her personal representative;
- When required by the Secretary of the U.S. Department of Health and Human Services to investigate or determine the Medical Center's compliance with the HIPAA Privacy Rule;
- By whistleblowers to the U.S. Department of Health and Human Services if to an oversight agency or attorney based on believe of a HIPAA violation;
- Use or disclosure required by law;
- Use or disclosure for public health activities;
- Disclosure about an individual who is a victim of abuse, neglect, or domestic violence;
- Use or disclosure for health oversight activities;
- Disclosure for judicial or administrative proceedings;
- Disclosure for law enforcement purposes;
- Disclosure about decedents to the coroner and funeral directors;
- Use or disclosure for cadaveric organ, eye, or tissue donation purposes;
- Use or disclosure for research purposes;
- Use or disclosure to avert a serious threat to health or safety;
- Disclosure for military activities, national security, intelligence or protective service; and
- Use or disclosure for worker's compensation purposes.

## **RESPONSIBILITY**

Health Information Management  
HIPAA Compliance Office

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**REFERENCES**

Health Insurance Portability and Accountability Act of 1996, 45 Code of Federal Regulations, Parts 160 and 164.

DHS Policy 361.3: "Use and Disclosure of Protected Health Information (PHI) Without Authorization"

**REVISION DATES**

March 01, 2007; September 25, 2008; November 12, 2013; February 5, 2024