

UNIVERSITY OF UTAH HEALTH SCIENCES CENTER POLICY MANUAL

HIPAA: ADMINISTRATIVE POLICY FOR AUTHORIZATIONS

No: 1-1

Chapter: HIPAA Administrative Policies

I. PURPOSE

A. Under federal law, a patient must authorize the use or disclosure of their protected health information, except under certain circumstances. The authorization form replaces the consent to release and release of information forms we have used in the past.

II. DEFINITIONS

A. See UUHSC Policy 1-2: HIPAA Definitions.

III. POLICY

A. **APPLICABILITY**

1. An authorization to use or disclose protected health information is not required under the following circumstances.
 - a) Uses and disclosures for treatment, payment, or health care operations (See UUHSC Policy 1-2: HIPAA Definitions).
 - b) Uses and disclosures as required by law.
 - c) Uses and disclosures for public health activities (See UUHSC Policy 2-10: Use or Disclosure of PHI for Public Health Surveillance).
 - d) Disclosures about victims of abuse, neglect or domestic violence (See UUHSC Policy 2-13: Use or Disclosure of PHI for Victims of Abuse, Neglect, or Domestic Violence).
 - e) Uses and disclosures for health oversight activities (See UUHSC Policy 2-6: Use or Disclosure of PHI for Health Oversight Activities).
 - f) Disclosures for judicial and administrative proceedings (See UUHSC Policy 2-7 Use or Disclosure of PHI for Judicial/Administrative Proceedings).
 - g) Disclosures for law enforcement purposes (See UUHSC Policy 2-11: Use or Disclosure of PHI for Public Health and Safety).
 - h) Uses and disclosures about decedents in certain circumstances (See UUHSC Policy 2-5: Use or Disclosure of Decedents' PHI).
 - i) Uses and disclosures for research purposes when authorization is waived by the Institutional Review Board (IRB) or Privacy Board (contact the IRB for more information).
 - j) Uses and disclosures to avert a serious threat to health or safety (See UUHSC Policy 2-11: Use or Disclosure of PHI for Public Health and Safety).
 - k) Uses and disclosures for specialized government functions or workers compensation (See UUHSC Policy 2-12: Use and Disclosure of PHI for Specialized Government Functions).
2. For all other uses or disclosures, the UUHSC must obtain an authorization from the patient or personal representative.
3. Psychotherapy Notes (See UUHSC Policy 1-2 for definition of psychotherapy notes). The UUHSC must obtain an authorization for any use or disclosure of psychotherapy notes, except:
 - a) To carry out the following treatment, payment or health care operations:
 - (1) use by the originator of the psychotherapy notes for treatment;
 - (2) use or disclosure by the UUHSC for its own training programs in which students, trainees, or practitioners in mental health learn under supervision to practice or improve their skills in group, joint, family, or individual counseling;
OR
 - (3) use or disclosure by the UUHSC to defend itself in a legal action or other proceeding brought by the individual.
 - b) For a use or disclosure that is required by the Secretary of Health & Human Services (HHS), required by law, or permitted for health oversight of the originator of the psychotherapy notes.

B. VALID AUTHORIZATIONS

1. Authorizations will be made utilizing the authorization form approved by the Office of General Counsel and the HIPAA Privacy Office.
2. Upon request, the UUHSC will provide the patient with a copy of their signed authorization.
3. Authorizations for psychotherapy notes must be separate from other authorizations.

C. COMPOUND AUTHORIZATIONS

1. An authorization for use or disclosure of protected health information may not be combined with any other document to create a compound authorization, except an authorization for the use or disclosure of protected health information for a research study may be combined with any other type of written permission for the same research study.

D. CONDITIONING OF AUTHORIZATIONS

1. The UUHSC may condition research-related treatment on the patient signing an authorization for the use or disclosure of protected health information for that research.
2. The UUHSC may require that a patient sign an authorization allowing the disclosure of protected health information before providing treatment if the sole purpose of the treatment is to provide the protected health information to a 3rd party. An example of this would be a pre-employment physical, where an employer is asking UUHSC to perform the physical and return the results to the employer.
3. Otherwise, conditioning treatment on the provision of an authorization is prohibited.

E. AUTHORIZATIONS OR CONSENTS OBTAINED PRIOR TO APRIL 14, 2003

1. The UUHSC may use or disclose protected health information as allowed by an authorization or other express legal permission obtained from a patient that permits the use or disclosure.

F. ADMINISTRATIVE

1. All authorizations and revocations will be documented centrally. Research authorizations will be maintained as identified by the Institutional Review Board.
2. Notify the HIPAA Privacy Office when uses or disclosures of protected health information have been made without an authorization in violation of this policy or with an authorization that is found to be invalid.

G. A violation of any provision of this policy may result in disciplinary action, up to and including the termination of employment, suspension of privileges, or imposition of academic sanctions consistent with applicable University policy and procedure. A violation of this policy can result in civil and/or criminal penalties. See UUHSC Policy 1-10: HIPAA Violations, Sanctions, and Mitigation.

H. Refer questions about this policy to Health Information or HIPAA Privacy Office.

IV. SCOPE

- A. This policy affects all areas of the Health Sciences Center that are part of the covered entity (see UUHSC Policy 1-2: HIPAA Definitions policy).
- B. This policy is effective April 14, 2003.

APPROVAL BODY: Vice President s Senior Leadership Council
APPROVAL DATE: April 1, 2003
POLICY OWNER: HIPAA Privacy Office
ORIGIN DATE: January 24, 2003

REFERENCES:

1. 45 C.F.R. § 164.508: Health Insurance Portability and Accountability Act: Uses and disclosures for which an authorization is required.
2. 45 C.F.R. § 164.532(b)(c): Health Insurance Portability and Accountability Act: Transition Provisions
3. <http://uuhsc.utah.edu/privacy/>