

COPPER COUNTRY MENTAL HEALTH SERVICES BOARD

POLICY AND PROCEDURE

DATE: June 28, 2017 CONFIDEN P6.DOC

RESINDS: May 27, 2015

CATEGORY: Recipient Rights

SUBJECT: Confidentiality

POLICY: It is the policy of Copper Country Mental Health Services Board (CCMHS) that all personnel must preserve the integrity and the confidentiality of the protected health information (PHI) of all recipients of services.

PURPOSE: The purpose of this policy is to ensure that the right to confidentiality of Protected Health Information (PHI) is provided to all persons served in a manner consistent with the Michigan Mental Health Code, Michigan Department of Health and Human Services (MDHHS) Administrative Rules, and the Health Insurance Portability and Accountability Act (HIPAA).

DEFINITIONS:

- I. INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION: is information that is a subset of health information, including demographic information collected from an individual, and:
1. Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
 2. 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
 - A. That identifies the individual; or
 - B. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.
- II. PROTECTED HEALTH INFORMATION (PHI): means individually identifiable health information:
1. Except as provided in paragraph (2) of this definition, that is:
 - A. Transmitted by electronic media;
 - B. Maintained in electronic media; or
 - C. Transmitted or maintained in any other form or medium.

2. Protected health information excludes individually identifiable health information in:
 - A. Education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. 1232g;
 - B. Records described at 20 U.S.C. 1232g(a)(4)(B)(iv); and
 - C. Employment records held by a covered entity in its role as employer.

PROCEDURE:

- I. As required by MDHHS Administrative Rule 7051 a summary of Section 748 of the Michigan Mental Health Code is made a part of each recipient file.
- II. CCMHS personnel will not use or supply PHI for non-health care uses, such as direct marketing, employment, or credit evaluation purposes.
- III. CCMHS personnel will collect and use PHI only for the purposes of providing services and for supporting the delivery, payment, integrity, and quality of those services as follows:
 1. To provide proper diagnosis and treatment.
 2. With the individual's knowledge and consent.
 3. To receive reimbursement for services provided.
 4. For research and similar purposes designed to improve the quality and to reduce the cost of health care.
 5. As a basis for required reporting of health information.
- IV. CCMHS personnel will recognize that PHI collected about recipients must be accurate, timely, complete, and available when needed and shall:
 1. Use their best efforts to ensure the accuracy, timeliness, and completeness of data to ensure that authorized personnel can access it when needed.
 2. Complete and authenticate records in accordance with the law, medical ethics, and accreditation standards.
 3. Maintain records for the retention periods required by law and professional standards.
 4. Not alter or destroy an entry in a record, but rather designate it as an error while leaving the original entry intact and create and maintain a new entry showing the correct data.
 5. Implement reasonable measures to protect the integrity of all data maintained about recipients.

- V. CCMHS personnel will recognize that recipients have a right of privacy and will respect recipients' individual dignity at all times.
- VI. CCMHS personnel will act as responsible information stewards and treat **all** PHI as sensitive and confidential and shall:
1. Treat all PHI as confidential in accordance with professional ethics, accreditation standards, and legal requirements.
 2. Not divulge PHI unless the recipient, or his/her authorized representative has properly consented to the release or the release is otherwise authorized by law.
 3. When releasing PHI, take appropriate steps to prevent unauthorized re-disclosures.
 4. Implement reasonable measures to protect the confidentiality of PHI maintained about recipients.
 5. Not disclose PHI except as necessary for billing or other authorized purposes as authorized by law and professional standards.
- VII. CCMHS personnel will recognize that some medical information is particularly sensitive, such as HIV/AIDS information and alcohol and drug abuse information and will treat such information with additional confidentiality protections as required by law, professional ethics, and accreditation requirements.
- VIII. CCMHS personnel will recognize that, although CCMHS "owns" the record, the recipient has a right of access to information contained in the record.
- IX. All CCMHS personnel **must** adhere to this policy. CCMHS will not tolerate violations of this policy. Violation of this policy is grounds for disciplinary action, up to and including termination of employment and criminal or professional sanctions in accordance with CCMHS's PHI sanction procedure and personnel rules and regulations.

CROSS REFERENCE:

1. CCMHS Policy - Service Records System
2. CCMHS Policy - Use and Release of Protected Health Information
3. CCMHS Policy - The Minimum Necessary PHI To Be Used, Released, or Requested
4. Michigan Mental Health Code - Section 748
5. MDHHS Administrative Rules - Section R 330.7051 Rule 7051.
6. CFR 45 Parts 160 and 164