

**CERRO GORDO COUNTY POLICY AND PROCEDURE:
Administrative Requirements**

POLICY

Personnel Designations, 164.530

Cerro Gordo County has designated a privacy official who is responsible for the development and implementation of the policies and procedures for the County. In addition, the County must designate a contact person or office who is responsible for receiving complaints and who is able to provide further information about matters covered under notice.

Documentation of Designated Personnel, 164.530 (2)

Cerro Gordo County must document the personnel designation.

Training, 164.530 (b) (1) (2)

Cerro Gordo County must train all members of its workforce on the policies and procedures with respect to PHI, as necessary and appropriate, for the members of the workforce to carry out their function within the County.

The County must provide training to each member of the County's workforce by no later than the compliance date for the County; thereafter, to each new employee within a reasonable period of time after the person joins the County's workforce. In addition, the County must train each employee whose functions are affected by a material change in the policies and procedures, within a reasonable time after the material becomes effective. The County must document the training.

Safeguards, 164.530 (c) (1)

Cerro Gordo County must have in place appropriate administrative, technical, and physical safeguards to protect the privacy of PHI. These safeguards must reasonably protect PHI from intentional and unintentional use and disclosure that is in violation of HIPAA. In addition, the County must reasonably safeguard PHI to limit incidental uses and disclosures.

Complaints to the County, 164.530 (d)

Cerro Gordo County must provide a process for individuals to make complaints concerning the County's policies and procedures or other requirements under HIPAA. The County must document all complaints received and their disposition, if any.

Sanctions, 164.530 (e)

Cerro Gordo County must have and apply appropriate sanctions against employees who fail to comply with the privacy policies and procedures of the County or the other requirements under HIPAA. The County must document all sanctions applied. The County must mitigate, to the extent practicable, any harmful effect known to the County of a use or disclosure of PHI, in violation of its policies and procedures by the County or its Business Associates.

Refraining from Retaliation, 164.530 (g)

Cerro Gordo County cannot intimidate, threaten, coerce, discriminate against, or take any other retaliatory action against:

1. Individuals who exercise any right under HIPAA, including filing a complaint; or
2. Individuals who file a complaint with the Secretary or assist, testify, or participate in an investigation, compliance review, proceeding, or hearing.
3. Individuals who oppose any act or practice in which the person has a good faith belief that the act or practice is unlawful; and the manner of the opposition is reasonable and does not involve a disclosure of PHI.

Waiver of Rights, 164.530 (h)

Cerro Gordo County may not require individuals to waive their rights, including the right to file a complaint, as a condition of treatment, payment, enrollment in a health plan, or eligibility of benefits.

Policies and Procedures, 164.530 (i)

Cerro Gordo County must implement policies and procedures, with respect to PHI, that are designated to comply with HIPAA privacy provisions. The policies and procedures must be reasonably designated, taking into account the size and type of activities that relate to PHI undertaken by the County to ensure such compliance.

The County must change its policies and procedures as necessary and appropriate to comply with changes in the law.

Documentation and Retention Period, 164.530 (j) (1) (2)

Cerro Gordo County must document and retain the following information for six years from the date of its creation or the date it was last in effect:

1. Policies and Procedures.
2. All writings required by HIPAA privacy provisions.
3. Any action, activity, or designation required by any HIPAA provision.

Compliance Date, 164.534

April 14, 2003

**CERRO GORDO COUNTY POLICY AND PROCEDURE:
HIPAA Administrative Policy and Procedure**

POLICY

Cerro Gordo County wishes to comply with the required Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). Title 11 of this Act, termed “Administrative Simplification,” deals with three main mandates: uniform electronic transaction standards (EDI Rules), establishment of standards to ensure the privacy of health information and individual rights (Privacy Rule), and establishment of standards to ensure the integrity and security of health information (Security Rule).

This policy will provide an overview of the definitions needed to understand the additional policies and procedures associated with HIPAA. In addition, this policy will provide a framework for implementation of HIPAA, to include staff training, access to records, designation of privacy/ compliance officer, how to deal with non-compliance of regulations (sanctions), and record retention.

Definitions

This is not intended to be a complete definition of each term but a brief overview. For a complete definition, refer to HIPAA regulation sections 160.103 and 164.501.

- 1. Business Associate:** A person or organization who arranges, performs, or assists in the performance of claims processing or administration; data analysis; processing or administration; utilization review; quality assurance; billing; benefit management; practice management; repricing; legal; actuarial; accounting; data aggregation; consulting; management; administrative performance; accreditation; or financial services; where protected health information may be used or disclosed as part of doing business.
- 2. Correctional Institution:** A penal or correctional facility, jail, reformatory, detention center, work farm, halfway house, or residential community program center operated by, or under contract to, a governmental agency for the confinement or rehabilitation of persons charged with, or convicted of, criminal offense or other persons held in lawful custody.
- 3. Covered Entity:** A person or organization who conducts business as a health plan, health care clearinghouse, or health care provider.
- 4. Covered Functions:** The activities that any such entity engages in that are directly related to operating as a health plan, health care provider, or health care clearinghouse.
- 5. Data Aggregation:** The combining of protected health information to create data for analysis, relating to health care operations, usually done by a Business Associate.
- 6. Designated Record Set:** A group of records, under the control of a covered entity, from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual and which is used by the covered entity to make decisions about the individual. Simply, it is defined as any item, collection, or grouping of protected health information maintained, collected, used, or disseminated by a covered entity.
- 7. Direct Treatment Relationship:** The health care provider deals directly with the individual to carry out the service.

8. **Disclosure:** The release, transfer, provision of access to, or divulging in any manner of information outside the entity holding the information.
9. **Health Care:** The provision of care, services, or supplies to a client.
10. **Health Care Clearinghouse:** A public or private entity that receives, processes, or facilitates the processing of nonstandard data elements of health information into standard data elements or a standard transaction, according to HIPAA.
11. **Health Care Operations:** Any of the following activities: conducting quality assessment and improvement activities; reviewing the competence or qualifications of health care professionals and providers; underwriting, premium rating, or other activities relating to the creation, renewal, or replacement of health insurance benefits; conducting or arranging for medical review, legal services, or auditing function; planning and developing the business; or creating de-identified health information for fundraising and marketing activities.
12. **Health Care Provider:** A person or organization who provides medical or health services to an individual and any other person or organization who furnishes, bills, or is paid for health care services or supplies in the normal course of business.
13. **Health Oversight Agency:** An agency or authority of the United States, a State, territory, political subdivision of a State or territory, or any person or entity that has been granted authority by the aforementioned agencies, authorized by law to oversee a health care system.
14. **Health Plan:** An individual or group health plan that provides or pays the cost of medical care.
15. **Implementation Specification:** The specific requirements for how to comply with a given standard.
16. **Indirect Treatment Relationship:** A health care provider delivers care to an individual based on the orders of another health care provider. The health care provider directly reports to the health care provider who ordered the service.
17. **Individual:** The person whose information is protected by, or who is given rights under, HIPAA or State law.
18. **Individually Identifiable Health Information:** Information that is collected from the individual that is created or received by a health care provider and relates to the past, present, or future physical or mental health condition of an individual, in the past, present, or future payment for the provision of health care; with respect that there is a reasonable basis to believe the information can be used to identify the individual. Examples are: names; street addresses; city; county; zip code (other than the first three digits); postal address information (other than city, state, or zip); dates (other than year); telephone or fax numbers; vehicle identifiers and serial numbers (including license plate numbers); device identifiers and serial numbers; internet protocol address numbers; web universal resource locaters (URL's); electronic mail addresses; social security numbers; medical records numbers; health plan beneficiary numbers; account numbers; certificate/license numbers; photographic images (i.e., full face images, pictures of tattoos, birthmarks, etc.); biometric identifiers (i.e., finger and voice prints); or any other identifying number, characteristic, or code.
19. **Inmate:** A person incarcerated in, or otherwise confined to, a correctional institution.
20. **Law Enforcement Official:** An officer or employee of any agency or authority who is empowered by law to investigate or conduct an official inquiry into a potential violation

of law; prosecute; or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

- 21. Marketing:** Make a communication about a product or service in which the purpose is to encourage the recipient to purchase or use the product or service.
- 22. Minimum Necessary Standards:** Cerro Gordo County must make reasonable efforts to limit PHI to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request. Exceptions to the minimum necessary standards are disclosure to another health provider for treatment proposed, disclosure to a client or a personal representative who is authorized to make health care decisions, or disclosure to the client's estate.
- 23. Notice of Privacy Practices:** Cerro Gordo County's policies and procedures for protecting individually identifiable health information.
- 24. Organized Health Care Arrangement:** An integrated health care setting or system in which an individual receives health care from more than one provider.
- 25. Payment:** The activities undertaken to obtain premiums or reimbursement for the provision of health care. These activities may include determination of eligibility or coverage for health insurance benefits; risk adjusting, based on enrollee health status and demographics; billing claims management; collection activities; reviewing of medical necessity; utilization review activities; or disclosure to consumer reporting agencies for collection.
- 26. Plan Sponsor:** The employer who has established or maintained an employee health benefits plan.
- 27. Protected Health Information:** Individually identifiable health information about an individual, regardless of whether it is gathered, stored, or transmitted in written, electronic, or even oral form.
- 28. Psychotherapy Notes:** Notes recorded by a health care provider, who is a mental health professional, documenting or analyzing the contents of a conversation during a private counseling session and kept separate from the rest of the individual's medical records. Cerro Gordo County does not produce Psychotherapy Notes.
- 29. Public Health Authority:** An agency or authority of the United States, a State, a territory, a subdivision of a State or territory, or a person or entity acting under a grant of authority by aforementioned agencies that is responsible for public health matters as part of the agency's official mandate.
- 30. Required by Law:** A mandate, contained in a law, that compels an agency to make a use or disclosure of protected health information and that is enforceable in a court of law.
- 31. Research:** A systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.
- 32. Secretary:** The Secretary of Health and Human Services, or any other office or employee of HHS, to whom the involved authority has been delegated.
- 33. Standard:** A rule, condition, or requirement that describes information, classification, specification, and/ or delineation of products, systems, services, practices, components, materials, performance, operations, or procedures, with respect to privacy of individually identifiable health information.
- 34. State:** Any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

- 35. Transaction:** The exchange of information between two parties to carry out financial or administrative activities, related to health care.
- 36. Treatment:** 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; a consultation between health care providers, relating to a client; or the referral of a patient for health care, from one health care provider to another.
- 37. Workforce:** The people who Cerro Gordo County directly controls when they perform services on behalf of Cerro Gordo County.
- 38. Use:** The sharing, employment, application, utilization, examination, or analysis of protected health information.

PROCEDURE

The Cerro Gordo County Board of Supervisors has designated Mary Beth Nelson as the Privacy Officer, to ensure compliance with privacy practices and consistent application of sanctions for failure to comply with privacy policies. She will oversee and ensure delivery of initial privacy and compliance training and orientation to all employees, including new hires, volunteers, professional staff, contractors, Business Associates, and others, as appropriate. She will also oversee and ensure client rights to inspect, amend, and restrict access to protected health information.

Attached is the job description of the Privacy Officer.

Brochures outlining Cerro Gordo County's Notice of Privacy Practices will be distributed to all County Offices, for availability to citizens of Cerro Gordo County. These brochures will be placed in the lobby of the courthouse.

Cerro Gordo County maintains a website; the privacy notice will be posted in a prominent position on the website, and a notice will be available electronically. Notice of updated versions of the privacy notice will also be posted.

Questions regarding HIPAA compliance and the Privacy Practices of Cerro Gordo County may be directed to Mary Beth Nelson, Privacy Officer, at (641) 421-3122; by mail, at Cerro Gordo County Courthouse, 220 North Washington Avenue, Mason City, IA 50401; or by email, at mbnelson@co.cerro-gordo.ia.us.

CERRO GORDO COUNTY
HIPAA Privacy Officer

Reports to: Board of Supervisors

General Purpose: The Health Insurance Portability and Accountability Act (HIPAA) requires organizations that transmit or maintain “protected health information” to designate a “Privacy Officer.” This position is intended to fulfill the county’s obligation to designate an individual as the Privacy Officer.

Essential Job Functions: The Privacy Officer is responsible for fulfilling the following essential job functions:

- Develops County privacy policies and procedures for HIPAA Advisory Committee review and recommendation.
- Develops, implements, and enforces the County’s Notice of Privacy Practices.
- Oversees the handling, use, and disclosure of protected health information (PHI).
- Responds to individual requests for restrictions of use and disclosure of PHI.
- Assists individuals with accessing, inspecting, and copying of PHI.
- Assists individuals in the PHI amendment and correction processes.
- Accounts for disclosures of PHI.
- Keeps records of all PHI disclosures.
- Develops, implements, and enforces administrative procedures, regarding privacy of PHI.
- Resolves allegations of non-compliance with the County’s privacy policies.
- Periodically makes reports to the Board of Supervisors, regarding the status of the privacy program.
- Chairs the County’s HIPAA Advisory Committee, which recommends policies and procedures to the Board of Supervisors.
- Provides guidance, along with the Security Officer, to County officials, regarding information storage, privacy, and security resources and technology.
- Assists the Security Officer with the development and implementation of information infrastructure.
- Provides leadership in the planning, design, and evaluation of privacy and security related projects.
- Develops and implements a county-wide privacy training program for all employees, especially those who handle PHI as part of their daily responsibilities.
- Makes recommendations, regarding appropriate sanctions, against employees and business partners for failure to comply with county privacy policies and procedures.
- Develops and applies corrective action procedures, to mitigate the effects of a use or disclosure of PHI by County employees or business partners.
- Establishes an internal privacy audit program.
- Reviews external audit processes of business partners.
- Coordinates the development of privacy risk assessment policies and procedures.
- Periodically reviews the County’s privacy programs and recommends revisions in light of changes in the law, regulatory policies, county policies, or court decisions.

- Coordinates organization-wide procedures for documenting and reporting self-disclosures of PHI or privacy violations.
- Receives complaints from individuals who believe that their PHI has been disclosed improperly or in violation of County policies.
- Investigates complaints of PHI disclosures and recommends remedial measures.
- Procures and supervises contractors and/or consultants to carry out and assist with the above duties, as deemed necessary.

Required Skills and Abilities: The Privacy Officer should be able to demonstrate the following skills and abilities, in carrying out the essential functions of the job:

- Good verbal and written communication skills.
- A high level of integrity and trust.
- Knowledge and experience in information privacy laws, access and release of information, and release control technologies.
- Demonstrate organization, facilitation, communication, and presentation skills.
- Ability to establish and maintain effective working relationships with employees, public officials, and the general public.
- Ability to prepare accurate reports.
- Ability to write plans, policies, and procedures; direct the use of resources; and coordinate implementation strategies and actions.
- Demonstrate exercise of good judgment in evaluating situations and making decisions.
- Coordinate with agencies at all levels of government.
- Ability to safely operate a motor vehicle, possess a valid Iowa driver's license, and be insurable under county and insurance company policies.
- Ability to establish and maintain effective working relationships with county officials, service providers, consumers, and the general public.
- Demonstrate adaptability to performing a variety of duties, occasionally changing from one task to another of a different nature, without loss of efficiency or composure.
- Demonstrate computer skills, including use of word processing, spreadsheet, and database applications.

Work Environment: While performing the duties required of this position, the employee is regularly subjected to a stressful environment; however, the likelihood of bodily injury, or similar occupational hazards, is slight.

Physical Requirements: Must be physically able to operate a variety of automated office machines and equipment; including, but not limited to, computers, printers, typewriters, fax machines, copiers, calculators, and telephones. The position entails long periods of sitting, depending on circumstances.

In most cases, physical demand requirements are at a level of those for sedentary or office environment work, which may involve some lifting, carrying, pushing, and/or pulling of lightweight materials (not exceeding 25 pounds). Must be able to move or carry job-related objects or materials, such as books, ledgers, printouts, file boxes, computer paper, etc. Some tasks require visual perception and discrimination.

Disclaimers:

- Marginal functions of the position that are incidental to the performance of essential job duties have been excluded from this description.
- All requirements are subject to possible modification, to reasonably accommodate qualified individuals with disabilities. Prospective employees are encouraged to discuss possible accommodations with the employer.
- Job description in no way implies that every duty to be performed by the employee is included. Employees will be required to follow any other job-related instructions, and to perform any other job-related duties, required by the Board of Supervisors.

Cerro Gordo County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, reasonable accommodations will be provided to qualified individuals with disabilities. Prospective employees and incumbents are encouraged to discuss accommodations with the employer.

April 22, 2003

NOTICE OF PRIVACY PRACTICES CERRO GORDO COUNTY

This notice describes how medical information about you may be used and disclosed and how you may get access to this information. Please review carefully.

If you have any questions about this Notice of Privacy Practices, contact Cerro Gordo County's Privacy Officer, *Mary Beth Nelson*, at (641) 421-3122.

This Notice of Privacy Practices describes how Cerro Gordo County may use and disclose your protected health information to carry out treatment, payment, health care operations, and other purposes that are permitted or required by law. It also describes your rights to access and control your protected health information. "Protected Health Information" is information about you, including demographic information that may identify you and relates to your past, present, or future physical or mental condition and related health care services.

Cerro Gordo County is required to abide by the terms of this Notice of Privacy Practices. Cerro Gordo County may change the terms of this notice at any time. The new notice will be effective for all protected health information that the County maintains at that time. Upon request, Cerro Gordo County will provide you with any revised Notices of Privacy Practices.

Permitted Uses and Disclosures of Protected Health Information

Your protected health information may be used and disclosed by Cerro Gordo County for the purpose of providing or accessing health care services to you. Your protected health information may also be used and disclosed to pay your health care bills and support the business operation of the County.

The following categories describe ways that the County is permitted to use and disclose health care information. Examples and types of uses and disclosures are listed in each category. Not every use or disclosure, for each category, is listed; however, all the ways the County is permitted to use and disclose information falls into one of these categories:

1. Treatment

The County may use and disclose your protected health information to provide, coordinate, or manage your health care and any related services. This includes the coordination or management of your health care with a third party that has already obtained your permission to have access to your protected health information. For example, the County would disclose your protected health information, as necessary, to a home health agency that provides care to you. Another example is that protected health information may be provided to a facility, to which you have been referred, to ensure that the facility has the necessary information to treat you.

2. Payment

The County may use and disclose health care information about you; so the treatment and services you receive may be billed to and payment may be collected from you, an insurance company, or third party. The County may also discuss your protected health information about a service you are going to receive, to determine if you are eligible for the service, and for undertaking utilization review activities. For example, authorizing a

service may require that your relevant protected health information be discussed with a provider, to determine your need and eligibility for the service.

3. Health Care Operations

The County may use and disclose, as needed, your protected health information, in order to support its business activities. These activities include, but are not limited to, quality assessment activities; employee review activities; licensing; and conducting or arranging for other business activities. For example, the County may use and disclose your protected health information, as necessary, to contact you to remind you of your appointment or to provide information about alternate services or other health-related benefits.

The County may share your protected health information with third party “Business Associates” that perform various activities (e.g. billing, transcription services) for the County. Whenever an arrangement between the County and a Business Associate involves the use or disclosure of your protected health information, the County will have a written contract that contains terms that will protect the privacy of your protected health information.

Uses and Disclosures of Protected Health Information Requiring Your Written Authorization

Other uses and disclosures of your protected health information will be made only with your written authorization, unless otherwise permitted or required by law, as described below. You may revoke this authorization at any time, in writing, except to the extent that the County has taken an action in reliance on the use and disclosure indicated in the authorization.

The County may use and disclose your protected health information in the following instances. You have the opportunity to agree or object to the use or disclosure of all or part of your protected health information. If you are not present or able to agree or object to the use or disclosure of the protected health information, the County may, using professional judgment, determine if the disclosure is in your best interest. In this case, only the protected health information that is relevant to your health care will be disclosed.

1. Others Involved in Your Health Care

Unless you object, the County may disclose to a member of your family, relative, close friend, or any other person you identify, your protected health information that directly relates to that person’s involvement in your health care. If you are unable to agree or object to such a disclosure, the County may disclose such information, as necessary; if the County, based on its professional judgment, determines that it is in your best interest. The County may use or disclose protected health information to notify, or assist in notifying, a family member, personal representative, or any other person that is responsible for your care, location, general condition, or death. Finally, the County may use or disclose your protected health information to an authorized public or private entity, to assist in disaster relief efforts and coordinate uses and disclosures, to family or other individuals involved in your health care.

2. Emergencies

The County may use or disclose your protected health information in an emergency treatment situation. If this happens, the County shall try to obtain your acknowledgement

of receipt of the Notice of Privacy Practices, as soon as reasonably practicable, after the delivery of treatment.

Other Permitted and Required Uses and Disclosures That May Be Made Without Your Authorization or Opportunity to Object

The County may use or disclose your protected health information, in the following situations, without your consent or authorization. These situations include:

1. Required by Law

The County may use or disclose your protected health information, to the extent that the use or disclosure is required by law. You will be notified, as required by law, of any such uses or disclosures.

2. Public Health

The County may disclose your protected health information, for public health activities and purposes, to a public health authority that is permitted by law to collect or receive the information. This disclosure will be made for the purpose of controlling disease, injury, or disability. The County may also disclose your protected health information, if directed by the public health authority, to a foreign government agency that is collaborating with the public health authority.

3. Communicable Diseases

The county may disclose your protected health information, if authorized by law, to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease.

4. Health Oversight

The County may disclose your protected health information to a health oversight agency for activities authorized by law, such as audits, investigations, and inspections. Oversight agencies seeking this information include government agencies that oversee the health care system, government benefit programs, other government regulatory programs, and civil rights laws.

5. Abuse or Neglect

The County may disclose your protected health information to a public health authority that is authorized by law to receive reports of child abuse or neglect. In addition, the County may disclose your protected health information if it believes that you have been a victim of abuse, neglect, or domestic violence, to the governmental entity or agency authorized to receive such information. In this case, the disclosure will be made consistent with the requirements of applicable federal and state laws.

6. Food and Drug Administration

The County may disclose your protected health information to a person or company required by the Food and Drug Administration to report adverse events, product defects or problems, and biological product deviations; and track products; to enable product recalls, make repairs or replacements, or conduct post-marketing surveillance, as required.

7. Legal Proceedings

The County may disclose protected health information, in the course of any judicial or administrative proceeding, in response to a court or administrative tribunal order (to the extent that such disclosure is expressly authorized); in certain conditions, in response to a subpoena, discovery request, or other lawful process.

8. Law Enforcement

The County may disclose protected health information, so long as applicable legal requirements are met, for law enforcement purposes. These law enforcement purposes include, (1.) legal processes, and otherwise, required by law; (2.) limited information requests for identification and location purposes; (3.) information pertaining to crime victims; (4.) suspicion that death has occurred as a result of criminal conduct; (5.) when a crime occurs on County premises; and (6.) medical emergency (not on County premises), in which it is likely that a crime has occurred.

9. Coroners, Funeral Directors, and Organ Donation

The County may disclose protected health information to a coroner or medical examiner for identification purposes, determining cause of death, or to perform other duties authorized by law. We may also disclose protected health information to a funeral director, as authorized by law, in order to permit the funeral director to carry out their duties. We may disclose such information in reasonable anticipation of death. Protected health information may be used and disclosed for cadaver organ, eye, or tissue donation process.

10. Research

The County may disclose your protected health information to researchers, when their research has been approved by an institutional review board that has reviewed the research proposal and established protocols to ensure the privacy of your protected health information.

11. Criminal Activity

Consistent with applicable federal and state laws, the County may disclose your protected health information if it believes that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. The County may also disclose protected health information if it is necessary for law enforcement authorities to identify or apprehend an individual.

12. Military Activity and National Security

When the appropriate conditions apply, the County may use or disclose protected health information of Armed Forces personnel, including, (1.) for activities deemed necessary by appropriate military command authorities; (2.) for the purpose of a determination by the Department of Veteran Affairs of your eligibility for benefits; or (3.) to a foreign military authority, if you are a member of that foreign military service. The County may also disclose your protected health information to authorized federal officials for conducting national security and intelligence activities, including for the provision of protective services to the President or others legally authorized.

13. Workers' Compensation

Your protected health information may be disclosed by the County, as authorized, to comply with workers' compensation laws and other similar legally established programs.

14. Inmates

The County may use or disclose your protected health information if you are an inmate of a correctional facility, and the County created or received your protected health information in the course of providing care for you.

15. Required Uses and Disclosures

Under the law, the County must make disclosures to you, and when required by the Secretary of the Department of Health and Human Services, to investigate or determine the County's compliance with the requirements of 45 C.F.R., section 164.500 et. seq.

Your Rights

The following is a list of your rights, with respect to your protected health information, and a brief description of how you may exercise your rights:

Right to Inspect and Copy Your Protected Health Information

This means you may inspect and obtain a copy of protected health information, about you, that is contained in a designated record set, for as long as the county maintains the protected health information. A "designated record set" contains medical and billing records and any other records that the County uses in making decisions about you.

Under federal law, however, you may not inspect or copy the following records: psychotherapy notes; information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding; and protected health information that is subject to law that prohibits access to it. Depending on the circumstances, a decision to deny access may be reviewable. In some circumstances, you may have a right to have this decision reviewed.

Please contact the Privacy Officer if you have any questions about the access to your medical records.

Right to Request a Restriction of Your Protected Health Information

This means you may ask the County not to use or disclose any part of your protected health information for the purpose of treatment, payment, or health care operations. You may also request that any part of your protected health information not be disclosed to family members or friends who may be involved in your care or for notification purposes, as described in this Notice of Privacy Practices. Your request must state the specific restriction requested and to whom you want the restriction to apply.

The County is not required to agree to a restriction that you may request. If the County believes that it is in your best interest to permit use and disclosure of your protected health information, it will not be restricted. If the County does agree to the requested restriction, it may not use or disclose your protected health information in violation of that restriction, unless it is needed to provide emergency treatment. With this in mind, please discuss with the County any restriction you wish to request. You may request a restriction, in writing, with the Cerro Gordo County Privacy Officer.

Right to Request Confidential Communications from the County by Alternative Means or at an Alternative Location

The County will accommodate reasonable requests. The County may also condition this accommodation by asking you for information as to how payment will be handled or specification of an alternative address or other method of contact. The County will not request

an explanation from you as to the basis for the request. Please make this request in writing to County Privacy Officer.

Right to Request an Amendment to Your Protected Health Information

This means you may request an amendment of protected health information, about you, in a designated record set, for as long as the County maintains this information. In certain cases, the County may deny your request for an amendment. If the County denies your request, you have the right to file a statement of disagreement with the County; and the County may prepare a rebuttal to your statement and will provide you with a copy of any such rebuttal.

Right to Receive an Accounting of Certain Disclosures of Your Protected Health Information

This right applies to disclosures for purposes other than treatment, payment, or health care operations, as described in this Notice of Privacy Practices. It excludes disclosures the County may have made to you, family members or friends involved in your care, or for notification purposes. You have the right to receive specific information, regarding these disclosures that occur after April 14, 2003.

Right to Obtain a Paper Copy of This Notice

You have the right to obtain a paper copy of this notice, upon request, even if you have agreed to accept this notice electronically.

Complaints

You may file a complaint to the County, or to the Secretary of Health and Human Services, if you believe your privacy rights have been violated by the County. You may file a complaint against the County by notifying the County Privacy Officer. The County will not retaliate against you for filing a complaint.

You may contact the County Privacy Officer, Mary Beth Nelson, at (641) 421-3122 or by e-mail, at mbnelson@co.cerro-gordo.ia.us for further information about the complaint process.

This notice was published, and becomes effective, on April 14, 2003.

**POLICY AND PROCEDURE:
Use and Disclosure of Individual Protected Health Information**

What Cerro Gordo County Can Disclose

POLICY

To preserve the confidentiality of protected health information (PHI), Cerro Gordo County shall only disclose PHI for reasons identified and in the format developed in the Health Insurance Portability and Accountability Act of 1996. Cerro Gordo shall only disclose PHI for the following reasons.

Permitted Uses and Disclosures

The County is permitted to use and disclose PHI:

1. To the individual, *164.02 (a)*;
2. For treatment, payment, or health care operations, *164.502 (a)*;
3. Incident to a use or disclosure permitted or required by HIPAA privacy provisions, *164.502 (a)*;
4. Pursuant to, and in compliance with, a valid authorization, *164.502 (a)*;
5. When required by the Secretary to investigate and determine Cerro Gordo County's compliance, *164.502 (a)*;
6. To a family member or individual identified by an individual, *164.510 (b)*;
7. For disaster relief purposes, *164.510 (b) (4)*;
8. For public health activities, *164.512 (b)*;
9. For disclosures about victims of abuse, neglect, or domestic violence, *164.512 (c)*;
10. For disclosures for health oversight activities, *164.512 (d)*;
11. For disclosures for judicial and administrative proceedings, *164.512 (e)*;
12. For disclosures for law enforcement purposes, *164.512 (f)*;
13. About decedents, *164.512 (g)*;
14. For cadaver organ, eye, or tissue donation purposes, *164.512 (h)*;
15. For research purposes, *164.512 (i)*;
16. To avert a serious threat to health or safety, *164.512 (j)*;
17. For specialized government functions, *164.512 (k)*;
18. For workers' compensation, *164.512 (l)*;
19. For a limited data set, *164.514 (e)*;
20. For fundraising, *164.514 (f)*;
21. For underwriting and related purposes, *164.514 (g)*.

Minimum Necessary Standard, 164.502 (b) (See Minimum Necessary Policy)

When using or disclosing PHI, or when requesting PHI from another covered entity, Cerro Gordo County must make reasonable efforts to limit PHI to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request.

The minimum necessary standard does not apply to the following:

1. Disclosures to, or requests by, a health care provider for treatment;
2. Uses and disclosures made to the individual;

3. Uses and disclosures made pursuant to an authorization;
4. Disclosures made to the Secretary to determine Cerro Gordo County's compliance; or
5. Uses and disclosures that are required by law, including compliance with HIPAA privacy provisions.

PHI Subject to an Agreed Upon Restriction, 164.502 (c) *(See Request for Privacy Policy)*

If Cerro Gordo county agrees to a restriction, pursuant to 164.522, Cerro Gordo County may not use or disclose PHI in violation of that restriction.

De-Identified Information, 164.502 (d) & 514

Cerro Gordo County may use PHI to create information that is not identifiable health information or disclose PHI only to a Business Associate for such purpose. Cerro Gordo County can disclose PHI in its "de-identified form," as long as it can only be re-identified by Cerro Gordo County. PHI is considered "de-identified" when the following items are eliminated:

- Names
- Address, City, County, and Precinct
- Zip code (other than first three digits)
- Dates (other than year)
- Telephone numbers
- Fax numbers
- Vehicle identifiers
- Web Universal Resource Locators (URL's)
- Biometric identifiers
- Other identifying number, characteristic, or code
- Electronic Mail addresses
- Social security numbers
- Medical records numbers
- Health plan beneficiary numbers
- Account numbers
- Certificate/ license numbers
- Device identifiers and serial numbers
- Internet Protocol Address numbers
- Photographic images

Cerro Gordo County may assign a code, or other means of record identification, to all de-identified information to be re-identified to the County, provided that the code is not easily translated so as to identify the individual. In addition, Cerro Gordo County cannot disclose the code or mechanism for re-identification.

PROCEDURE

1. Determine if Cerro Gordo County is permitted to disclose the PHI.
2. Determine if the use or disclosure of the PHI meets the minimum necessary standard.
3. Determine if there are any restrictions on the use or disclosure of the PHI.
4. Determine if the PHI can be de-identified.

POLICY AND PROCEDURE: Compliance Violations

POLICY

Cerro Gordo County believes that an effective system of communication is important in identifying compliance violations of the privacy standards, adopted by the County to protect individual protected health information (PHI). To encourage communication of compliance concerns by members of the workforce, and other agents doing business with the County, the County has implemented a reporting system that permits the workforce and other agents to report concerns openly or anonymously, verbally or in writing, in accordance with established procedures.

Cerro Gordo County will make every reasonable effort to protect the identity of a reporting employee, unless the employee permits the County to reveal their identity. No disciplinary action or retaliation will be taken against an employee who makes a good faith report of a compliance concern. Any individual who retaliates against an employee for reporting a compliance concern will be subject to disciplinary action.

PROCEDURE

Report of Concern

A report of concern may be made by anyone having knowledge or information about a known or suspected violation of the County's privacy standards or the laws and regulations governing the County. Reports may be made verbally or in writing to the County Privacy Officer. All reports, whether verbal or written, will be documented on the *Confidential Report for Concern*.

Reporting System

Reports of compliance concerns can be made in any one of the following ways:

1. Verbal report by a named individual, in person or by telephone or other electronic means, made to the County Privacy Officer.
2. Written report by a named individual, by use of the *Confidential Report for Concern*, submitted to the County Privacy Officer.
3. Anonymous telephone report, by an unidentified individual, made to the County Privacy Officer or to the organization's anonymous reporting system.
4. Anonymous written report, by an unidentified individual, submitted by mailing a completed *Confidential Report for Concern* to the County Privacy Officer at the County's address.

Investigation of Reports

The County Privacy Officer will investigate each report of concern. The findings of an investigation prompted by a report of concern will be recorded on the *Compliance Report Investigation Form* within five (5) working days of the report.

**POLICY AND PROCEDURE:
Verification**

POLICY

To ensure the confidentiality of individual protected health information (PHI), Cerro Gordo County will only disclose PHI after verifying the individual or entity to whom the PHI is disclosed, pursuant to the Health Insurance Portability and Accountability Act of 1996. Cerro Gordo County will follow the requirements, as outlined below.

Requirements, 164.514 (h)

Cerro Gordo County will verify the identity of a person requesting PHI, and the authority of such person to have access to PHI, if the identity or authority of the person is not known to Cerro Gordo County. This can include oral or written verification.

If Cerro Gordo County conditions disclosure on particular documentation for verification, the County may rely, if such reliance is reasonable under the circumstances, on documentation that, on its face, meet the requirements. Verification must be satisfied by, for example, an administrative subpoena or a written statement that demonstrates that the requirement has been satisfied. Documentation must be signed and dated.

Public Officials

Cerro Gordo County may rely on any of the following to verify identity, when the disclosure for PHI is requested by a public official:

1. If the request is made in person, presentation of an agency identification badge or other official credentials;
2. If the request is in writing, the request is on appropriate government letterhead or a written statement of legal authority if a written statement is impracticable. A written statement of legal authority can include a subpoena or warrant;
3. If the disclosure to a person acting on behalf of a public official, a written statement on appropriate government letterhead that the person is acting under the government's authority.

PROCEDURE

1. Obtain written documentation of the verification.
2. If written documentation is not available, document the oral communication verifying the identity of the individual requesting the disclosure.
3. Documentation that Cerro Gordo County knows the individual requesting the disclosure, if no other verification is required.

**POLICY AND PROCEDURE:
Workforce Confidentiality**

POLICY

To ensure that personal health information (PHI) is protected, Cerro Gordo County will educate and train all employees on the privacy provisions of the Health Insurance Portability and Accountability Act of 1996. The County will support and require the following items.

County Principles

1. All Cerro Gordo County employees, and persons associated with the County, are responsible for protecting the confidentiality of all PHI that is obtained, handled, learned, heard, or viewed in the course of their work or association with the County.
2. PHI shall be protected during its collection, use, storage, and destruction within the County.
3. Use or disclosure of personal health information is acceptable only in the discharge of one's responsibilities and duties and based on the need to know. Discussion regarding PHI should not take place in the presence of persons not entitled to such information or in public places.
4. The execution of an employee confidentiality agreement is required as a condition of employment, contract, association, or appointment with the County. All County employees, and persons associated with the County, are to sign the confidentiality agreement at the commencement of their relationship with the County. County employees are to sign a confidentiality pledge on an annual basis.
5. Unauthorized use or disclosure of confidential information will result in a disciplinary action, which may include termination of employment.
6. All individuals who become aware of a use or disclosure of PHI that violates the HIPAA privacy provisions are to follow the County's reporting procedures.

PROCEDURE

1. An allegation of a breach of confidentiality of PHI may be made to the HIPAA Privacy Officer of the County. Any individual receiving an allegation of a breach of confidentiality, or having knowledge or a reasonable belief that a breach of confidentiality of PHI may have occurred, should immediately notify the County Privacy Officer.
2. The County Privacy Officer will decide whether to proceed with an investigation. It may be decided that a complaint does not require investigation if:
 - a. The length of time that has elapsed since the date of the complaint makes an investigation no longer practicable or desirable.
 - b. The subject matter of the complaint is trivial, not made in good faith, or is frivolous.
 - c. The circumstances of the complaint do not require investigation.
3. If the decision is made to proceed with an investigation, it is the responsibility of the County's Privacy Officer to investigate the allegation and consult appropriate resources to make a determination if a breach of confidentiality of PHI has been made.

4. If a breach of confidentiality of PHI has occurred, the appropriate disciplinary action will be taken.
5. All incidents of a breach of confidentiality of PHI will be documented and filed with the County's Privacy Officer.

**POLICY AND PROCEDURE:
Amending Protected Health Information**

POLICY

To ensure the accuracy and integrity of individual protected health information (PHI), Cerro Gordo County will amend PHI, pursuant to the Health Insurance Portability and Accountability Act of 1996. Cerro Gordo County will follow the requirements outlined below.

Right to Amend, 164.526 (a)

An individual has the right to have Cerro Gordo County amend PHI, or a record about the individual, in a designated record set, for as long as the PHI is maintained in the record set.

Denial of Amendment

Cerro Gordo County may deny an individual's request for amendment if it determines that the PHI or record that is subject to the request:

1. Was not created by Cerro Gordo County, unless the individual can provide a reasonable basis to believe that the originator of the PHI is no longer available to act on the requested amendment;
2. Is not available for inspection, under 164.524; or
3. Is accurate and complete.

Request for Amendment and Timely Action, 164.526 (b)

Cerro Gordo County must permit an individual to request that the County amend the PHI maintained in the designated record set. Cerro Gordo County may require the individual to make the request in writing and to provide a reason to support a requested amendment, provided that it informs the individual in advance of this requirement. Cerro Gordo County must act on the individual's request for amendment within 60 days of receiving the request.

If Cerro Gordo County is unable to act on the amendment within 60 days, Cerro Gordo County may extend the time for such action by no more than 30 days, provided the County notifies the individual in writing within the 60 day period and provides the reason for the delay and the date by which Cerro Gordo County will complete the action. The County can only enact one such extension.

Accepting the Amendment

If Cerro Gordo County accepts the amendment, in part or whole, it must make the appropriate amendment to the PHI, or record, or provide a link to the location of the amendment. Cerro Gordo County must also inform the individual that the amendment was accepted and have the individual identify and agree to have the County notify the relevant persons with which the amendment needs to be shared.

Notifying Others

Cerro Gordo County must make reasonable efforts to inform and provide the amendment within a reasonable time to:

1. Person(s) identified by the individual as having received PHI about the individual and needing the amendment; and
2. Person(s), including Business Associates, that the County knows have the PHI that is subject to the amendment and that may have relied, or could likely rely, on such information, to the detriment of the individual.

Denying the Amendment

If Cerro Gordo denies the requested amendment, in part or whole, the County must provide the individual with a timely, written statement of:

1. The basis for the denial;
2. The individual's right to submit a written statement disagreeing with the denial and how the individual can file the disagreement;
3. If the individual does not file a written statement of disagreement, the individual has the right to request the County provide the individual's request for amendment and the denial with any future disclosures of PHI that are subject to the amendment; and
4. The description of how the individual may file a complaint to Cerro Gordo County or to the Secretary. The description must include the name, or title, and telephone number of Cerro Gordo County's HIPAA contact.

Statement of Disagreement

Cerro Gordo County must permit the individual to submit a written statement disagreeing with the denial of all or part of the requested amendment. Cerro Gordo County may reasonably limit the length of the statement of disagreement.

Rebuttal Statement

Cerro Gordo County may prepare a written rebuttal to the statement of disagreement. If the County rebuts the statement of disagreement, a copy must be provided to the individual.

Recordkeeping

Cerro Gordo County must, as appropriate, identify the record or PHI that is subject to the disputed amendment and append or otherwise link the individual's request, the individual's statement of disagreement, the County's denial, and the County's rebuttal, if any, to the designated record set.

Future Disclosures, 164.526 (d) (5)

If a statement of disagreement has been submitted by the individual, Cerro Gordo County must include material, appended or at the election of the County, an accurate summary of any such information, with any subsequent disclosure of the PHI to which the disagreement relates.

If the individual has not submitted a written statement of disagreement, the County must include the individual's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the PHI if the individual follows the appropriate procedures.

Actions on Notices of Amendment, 164.526 (e)

If Cerro Gordo County is informed by another covered entity of an amendment to an individual's PHI, the County must amend the PHI in designated record sets.

Documentation, 164.526 (f)

Cerro Gordo County must document titles of the persons or offices responsible for receiving and processing requests for amendments.

PROCEDURE

1. Have the individual complete the Request for Amendment form.
2. Explain to the individual that the information will be reviewed, and a decision will be made on whether the correction is accepted or denied.
3. If the amendment is accepted, the PHI or designated record set must be amended or appended with the requested amendment.
4. The County must notify others affected by the amendment, including business partners.
5. Explain the individual's right to write a statement of disagreement for any denials and the County's right to rebut the statement of disagreement.
6. Place the completed form in the individual's designated record set and give a copy to the individual.
7. Cerro Gordo County will retain the correction/ amendment form for a period of six years.
8. Explain to the individual that this information will accompany the designated record set anytime a request is made to release information.
9. If a statement of disagreement is filed, pursuant to a County denial, attach to the individual's designated record set.
10. If a rebuttal statement is provided by the County, attach to the individual's designated record set.

**POLICY AND PROCEDURE:
Right to Notice of County Privacy Practices**

POLICY

Cerro Gordo County acknowledges the individual's right to notice of the County's privacy practices, regarding PHI, and will inform individuals of the County's privacy practices pursuant to the Health Insurance Portability and Accountability Act of 1996. Cerro Gordo County will follow the requirements as outlined below.

Individual's Right to Notice, 164.520

Cerro Gordo County shall provide individuals with a notice of the uses and disclosures of PHI that may be made by Cerro Gordo County and of the individual's rights and Cerro Gordo County's legal duties, with respect to PHI.

Inmates

An inmate does not have a right to notice.

Notice Requirements

1. Written in plain language.
2. Header: "This Notice Describes How Medical Information About You May Be Used and Disclosed and How You Can Get Access to this Information. Please Review It Carefully."
3. A description, including at least one example, of the types of uses and disclosures that Cerro Gordo County is permitted to make for treatment, payment, and health care operations.
4. A description of each of the other purposes for which Cerro Gordo County is permitted to use or disclose PHI, without the individual's written authorization.
5. A statement that the other uses or disclosures will only be made with the individual's written authorization and that the individual may revoke such authorization.
6. If a use or disclosure is prohibited or materially limited by other applicable law, the description of the use or disclosure must reflect the more stringent law.
7. If Cerro Gordo County contacts individuals to remind them of appointments, or to provide them with other information, Cerro Gordo County must describe that on the notice.
8. A statement of the individual's rights with respect to PHI and a brief description of how the individual may exercise these rights.
 - a. The right to request restrictions on certain uses and disclosures and that Cerro Gordo County is not required to agree to a requested restriction.
 - b. The right to receive confidential communications of PHI.
 - c. The right to inspect and copy PHI.
 - d. The right to amend PHI.
 - e. The right to receive an accounting of PHI disclosures.
 - f. The right to obtain a paper copy of the notice from the County.

9. A statement that Cerro Gordo County is required to maintain the privacy of PHI and to provide the individual with notice of its legal duties and privacy practices with respect to PHI.
10. A statement that Cerro Gordo County is required to abide by terms of the notice currently in effect.
11. A statement that Cerro Gordo County reserves the right to change the terms of its notice and to make the new notice's provisions effective for all PHI that it maintains. The statement must also describe how it will provide individuals with the revised notice.
12. A statement that the individual may complain to Cerro Gordo County, and to the Secretary of Health and Human Services, if they believe their privacy rights have been violated and a brief description of how the individual may file a complaint; and a statement that the individual will not be retaliated against for filing a complaint.
13. The name or title and telephone number of the person or office to contact for further information.
14. A date on which the notice is first in effect.

Optional Elements

If Cerro Gordo County elects to limit the uses or disclosures that it is permitted to make, Cerro Gordo County may describe its more limited uses or disclosures in its notice. Cerro Gordo County, however, cannot limit the individual's rights under this notice.

Revisions to the Notice, 164.520 (b) (3)

Cerro Gordo County must promptly revise and distribute its notice whenever there is a material change to the uses or disclosures, the individual's rights, the County's legal duties, or other privacy practices.

Provisions for Health Plans, 164.520 (c)

A health plan must provide notice no later than the compliance date for the health plan, to the individuals then covered by the plan, thereafter at the time of enrollment, to the individuals who are now enrollees, and within 60 days of a material revision of the notice. In addition, the health plan must notify individuals covered, at least every three years, on the availability of the notice and how to obtain the notice.

Provisions for Providers, 164.520 (c)

A health provider that has a direct treatment relationship with individuals must provide notice no later than the first date of service. The provider shall make a good faith effort to obtain a written acknowledgement of receipt of notice. If the acknowledgement is not obtained, the provider must describe the good faith effort to obtain it and the reason why it was not obtained. If the provider maintains a physical services location, the notice shall be available at the service delivery site and posted in a prominent location. In an emergency treatment situation, the provider must make available the notice as soon as reasonably practicable after the emergency.

Methods for Providing Notice, 164.520 (c) (3)

Cerro Gordo County maintains a website about its customer services or benefits and must prominently post its notice on the website. Cerro Gordo County can provide the notice via email if the individual agrees to electronic transmission. An individual who is a recipient of an

electronic notice maintains the right to request and obtain a paper copy from Cerro Gordo County.

Document Retention, 164.520 (c) (e)

Cerro Gordo County must document compliance with the notice requirements by retaining copies of the notices issued by Cerro Gordo County and any written acknowledgements of receipt or the good faith efforts to obtain acknowledgement of receipt.

PROCEDURE

1. Give individual copy of Notice of Privacy Rights.
2. Retain copy and place in individual's designated record set.

POLICY AND PROCEDURE:
Uses and Disclosures that Do Not Require Authorization or Opportunity to Reject

POLICY

To ensure the confidentiality of individual protected health information (PHI), Cerro Gordo County will only disclose information as required by the Health Insurance Portability and Accountability Act of 1996. Cerro Gordo County will follow the requirements as outlined below. PHI, pursuant to these revisions, can be disclosed without an authorization or an opportunity to agree or object.

Required by Law, 164.512 (a)

Cerro Gordo County may use or disclose PHI to the extent that the use or disclosure is required by law. Cerro Gordo County will notify an individual, as required by law, of any such uses or disclosures.

Public Health, 164.512 (b)

Cerro Gordo County may disclose PHI for public health activities and purposes that may include:

1. Collecting and receiving information, collected by a public health authority, for the purpose of preventing or controlling disease, injury, or disability;
2. Disclosures to a public health authority authorized to receive child abuse or neglect reports;
3. Activities related to the quality, safety, or effectiveness of FDA-related products;
4. Contacting individuals, if authorized by law, who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease; or
5. Disclosing information to an employer if Cerro Gordo County provides health care to the individual at the request of the employer to conduct drug testing or to evaluate whether the individual has a work related illness or injury.

Abuse or Neglect, 164.512 (c)

Cerro Gordo County may disclose PHI to a public health authority that is authorized by law to receive reports of child abuse or neglect. In addition, Cerro Gordo County may disclose PHI to the governmental entity or agency authorized to receive such information if it believes an individual has been the victim of abuse, neglect, or domestic violence. The disclosure will be made consistent with the requirements of federal and state laws. Cerro Gordo County will notify the individual of the disclosure; unless, in the exercise of professional judgment, Cerro Gordo County believes informing the individual would place them at risk of serious harm.

Health Oversight, 164.512 (d)

Cerro Gordo County may disclose PHI to a health oversight agency for activities authorized by law, such as audits, investigations, and inspections.

Legal Proceedings, 164.512 (e)

Cerro Gordo County may disclose PHI in the course of any judicial or administrative proceeding in response to an order of a court or administrative tribunal (to the extent such disclosure is expressly authorized); in certain conditions, in response to a subpoena; discovery request; or other lawful process.

Law Enforcement, 164.512 (f)

Cerro Gordo County may disclose PHI for law enforcement purposes in the following situations:

1. If required by law (i.e., reporting wounds or pursuant to a subpoena);
2. Limited information requests for identification or location purposes;
3. Pertaining to victims of a crime;
4. Suspicion that death has occurred as a result of criminal conduct;
5. In the event that a crime occurs on County premises; and
6. Medical emergency, if it is likely that a crime has occurred.

Uses and Disclosures about Decedents, 164.512 (g)**1. Coroners and Medical Examiners**

Cerro Gordo County may disclose PHI to a coroner or medical examiner for identification purposes, determining cause of death, or for the coroner or medical examiner to perform other duties authorized by law.

2. Funeral Directors

Cerro Gordo County may disclose PHI to funeral directors, as authorized by law, in order to permit the funeral directors to carry out their duties. Cerro Gordo County may disclose PHI in reasonable anticipation of death.

Cadaver Organ, Eye, or Tissue Donation, 164.512 (h)

Cerro Gordo County may disclose PHI to organ procurement, banking, or transplantation organizations for cadaver organ, eye, or tissue donation purposes.

Research

Cerro Gordo County may disclose PHI to researchers when their research has been approved by an Institutional Review Board or a Privacy Board that has reviewed the research proposal and established protocols to ensure the privacy of the PHI.

Averting Serious Threat to Health or Safety, 164.512 (j)

Consistent with applicable federal and state laws, Cerro Gordo County may disclose PHI; if, in good faith, it believes that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. Cerro Gordo County may also disclose PHI if it is necessary for law enforcement authorities to identify or apprehend an individual.

Specialized Government Functions, 164.512 (k)**1. Military and Veterans Activities**

Cerro Gordo County may disclose PHI of individuals who are Armed Forces personnel for activities deemed necessary by appropriate military command authorities. Cerro Gordo County, as a component of the Department of Veterans

Affairs, may disclose PHI for the purpose of determining eligibility for benefits. Cerro Gordo County may disclose PHI of an individual who is foreign military personnel to foreign military authorities.

2. National Security and Intelligence Activities

Cerro Gordo County may disclose PHI to authorized federal officials for conducting national security and intelligence activities, including for the provision of protective services to the President or others legally authorized.

3. Correctional Institutions and Other Law Enforcement Custodial Situations

Cerro Gordo County may disclose to a correctional institution or law enforcement official PHI for the purposes of providing health care; for the purpose of health and safety of an individual, other inmates, or correctional employees; for the purpose of law enforcement on the premises of the correctional institution; or for the administration and maintenance of safety, security, and other good order of the correctional institution.

4. Government Entities Providing Public Benefits

A County that has a health plan may disclose PHI, relating to eligibility for enrollment in the health plan, to another agency administering a government program providing public benefits; if the sharing of eligibility or enrollment information among such agencies, or the maintenance of such information in a single combined data system accessible to all such agencies, is required. In addition, a County that has a health plan may disclose PHI, relating to the program, to another covered entity that is a government program providing public benefits; if the programs serve the same or similar populations, and the disclosure of PHI is necessary to coordinate functions of the programs or improve administration and management.

Workers' Compensation, 164.512 (i)

PHI may be disclosed by Cerro Gordo County, as authorized, to comply with workers' compensation laws and other similar, legally established programs.

Inmates

Cerro Gordo County may use or disclose PHI about an inmate of a correctional facility if the County created or received the PHI in the course of providing care to the inmate.

Required Uses and Disclosures

Cerro Gordo County must make disclosures to the individual to whom the PHI pertains when requested by the individual and when required by the Secretary of the Department of Health and Human Services, to investigate or determine County compliance with the HIPAA privacy provisions.

PROCEDURE

1. Determine if the use and disclosure falls into one of the categories that does not require an authorization of an opportunity to agree or object.
2. Notify the individual of the use or disclosure.

**POLICY AND PROCEDURE:
Minimum Necessary Uses and Disclosures of Protected Health Information**

POLICY

To ensure the confidentiality of protected health information (PHI), Cerro Gordo County will only disclose the minimum necessary to meet the purpose of the requested use or disclosure, pursuant to the Health Insurance Portability and Accountability Act of 1996. Cerro Gordo County will follow the requirements as outlined below.

Minimum Necessary Standard, 164.502 (b)

When using or disclosing PHI, or when requesting PHI from another covered entity, Cerro Gordo County must make reasonable efforts to limit PHI to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request.

The minimum necessary standard does not apply to the following:

1. Disclosures or requests by a health care provider for treatment;
2. Uses and disclosures made to the individual;
3. Uses or disclosures made pursuant to an authorization;
4. Disclosures made to the Secretary of Health and Human Services to determine County compliance; or
5. Uses or disclosures that are required by law, including compliance with HIPAA privacy provisions.

Routine and Recurring Disclosures, 164.514 (d)

For any type of disclosure that Cerro Gordo County makes on a routine and recurring basis, Cerro Gordo County must implement procedures to limit the PHI disclosed to the amount reasonably necessary to achieve the purpose of the disclosure.

Other Disclosures

For all other disclosures, Cerro Gordo County has developed criteria designated to limit the PHI disclosed to the amount reasonably necessary to achieve the purpose of the disclosure and review requests for disclosure on an individual basis. Cerro Gordo County may rely, if such reliance is reasonable under the circumstances, on a requested disclosure as the minimum necessary for the stated purpose when:

1. Making disclosures to public officials, pursuant to 164.512, if the public official represents that the requested information is the minimum necessary.
2. The information is requested by another covered entity.
3. The information is requested by a professional who is a member of the workforce or a Business Associate of the County for purposes of providing professional services to the County; if the professional represents that the information requested is the minimum necessary for the stated purpose.
4. Documentation or representations comply with 164.512 (l) purposes of research.

Request for PHI

Cerro Gordo County must limit any request for PHI to that which is reasonably necessary to accomplish the purpose for which the request is made when requesting such information from other covered entities. For information requested on a routine or recurring basis, the County must limit the amount reasonably necessary to achieve the purpose for which the request was made. For all other requests, the County must develop criteria designated to limit the PHI requested to the amount reasonably necessary to achieve the purpose of the request and review requests for disclosure on an individual basis.

Other Content Requirements

For all uses, disclosures, and requests, Cerro Gordo County may not use, disclose, or request an entire medical record; unless the entire medical record is specifically justified as the amount that is reasonably necessary to accomplish the purpose of the use, disclosure, or request.

PROCEDURE

1. Each request for disclosure shall be evaluated on an individual basis.
2. Determine if the information meets the purpose of the request.
3. Determine the minimum necessary to meet the purpose of the request.

**POLICY AND PROCEDURE:
Request for Privacy
“Alternate Means and Location”**

POLICY

To ensure the confidentiality of individual protected health information (PHI), Cerro Gordo County will disclose PHI to an alternate location, or through an alternate means, pursuant to the Health Insurance Portability and Accountability Act of 1996. Cerro Gordo County will follow the requirements as outlined below.

Requesting Restriction, 164.522

Cerro Gordo County must permit an individual to request that the County restrict 164.522.

1. Uses and disclosures of PHI about the individual to carry out treatment, payment, or health care operations; and
2. Disclosures made to family members, pursuant to 164.510.

The County is not required to agree to the restriction. If the County does agree to restrict PHI, it must not use or disclose PHI, in violation of such restriction, except if the restricted information is needed in an emergency situation. If restricted information is disclosed during an emergency situation, the County must request that the health care provider does not further use or disclose the restricted information. The County may not agree to a restriction on disclosure of PHI if the HIPAA privacy provisions require the disclosure.

Terminating a Restriction, 164.522 (a) (2)

Cerro Gordo County may terminate its agreement to a restriction if:

1. The individual agrees to or requests the termination in writing;
2. The individual orally agrees to the termination, and the oral agreement is documented; or
3. The County informs the individual that it is terminating its agreement to a restriction, except that such termination is only effective with respect to PHI created or received after the County has so informed the individual.

Confidential Communications, 164.522 (b)

A County that is a health care provider must permit individuals to request, and must accommodate reasonable requests by individuals, to receive communications of PHI for the County by alternate means or at alternate locations. The County cannot require an explanation from an individual, as to the basis for the request, as a condition of providing communications on the confidential basis.

A County that has a health plan must permit individuals to request, and must accommodate reasonable requests by individuals, to receive communications of PHI by alternate means and at alternate locations; if the individual clearly states that the disclosure of all or part of the information could endanger the individual.

Conditions on Providing Confidential Communications

The County may require an individual to make a request for a confidential communication in writing. The County may condition the provision of a reasonable accommodation on:

1. When appropriate, information of how payment, if any, will be handled; and
2. Specification of an alternate address or other method of contact.

PROCEDURE

1. Provide the individual with appropriate forms.
2. If reasonable, change communications to alternate means or locations.
3. Retain documentation to be included in the individual's designated record set.

**POLICY AND PROCEDURE:
Individual Privacy Rights**

POLICY

Cerro Gordo County acknowledges an individual's right to privacy and to that end, will ensure those rights, pursuant to guidelines established by the Health Insurance Portability and Accountability Act of 1996.

Right to Receive Cerro Gordo County's Notice of Privacy Practices

The Notice of Privacy Practices is a document that Cerro Gordo County must provide that explains to individuals how Cerro Gordo County routinely manages its confidential data. If Cerro Gordo County uses or discloses information, other than for purposes of treatment, payment, or operations, the Notice of Privacy Practices must include how the information is being used or disclosed.

Right to Access and Copy Protected Health Information

Individuals can request access to, and copy, certain medical records containing PHI. Cerro Gordo County and the individual may either come to an agreement on how this information is to be shared, or a copy of the records can be mailed to the individual. There are certain circumstances under which access can be denied. Cerro Gordo County is permitted to charge a reasonable fee for this service.

Right to Request Restriction of the Uses and Disclosures of Protected Health Information

An individual can request that Cerro Gordo County not disclose PHI to others. Cerro Gordo County can stipulate that this request be in writing. If, for example, Sara, who is an 18 year old dependant covered under her father's health coverage, seeks medical attention from a provider or facility, Sara has the right to request that any information related to that service not be disclosed to specific persons.

Right to Receive Confidential Communication

This gives an individual the right to receive communications of PHI by alternate means or at alternate locations. For instance, in the previous example, if Sara still lives with her parents and does not want communications sent to her home, she may request that a health care provider send the communications to an alternate location. Cerro Gordo County must also accommodate a request for confidential communications, provided the individual clearly states that disclosure of all or part of the information would endanger the individual. Cerro Gordo County may require that these requests be made in writing.

Right to Request Amendment and Correction of Protected Health Information

An individual has the right to request revisions or corrections to any part of the record that the individual believes to be incorrect. Cerro Gordo County has a specific time limit to act upon this request but is not always obligated to revise the records. There are several valid reasons allowed for denying such a request. One reason for denying the request is that the record was not created by Cerro Gordo County.

Right to an Accounting of Disclosures of Protected Health Information

If Cerro Gordo County discloses PHI outside of what is considered treatment, payment, and health care operations, an individual has the right to receive an accounting of those disclosures. Cerro Gordo County is not required to provide this accounting if the disclosures were either made directly to the individual or authorized by the individual whose PHI was disclosed.

**POLICY AND PROCEDURE:
Use and Disclosure of Individual Protected Health Information
“To Whom Cerro Gordo County May Use and Disclose”**

POLICY

To ensure protected health information (PHI) is used and disclosed only to those individuals who are allowed access, Cerro Gordo County will only disclose PHI in accordance with the Health Insurance Portability and Accountability Act of 1996. Cerro Gordo County will disclose information only to those identified below.

Required to Disclosures, 164.502 (a) (2)

Cerro Gordo County is required to disclose protected health information to:

1. The individual, when requested; and
2. The Secretary of Health and Human Services, to determine County compliance.

Disclosures to Business Associates, 164.502 (e)

Cerro Gordo County may disclose PHI to a Business Associate, and may allow a Business Associate to create and receive PHI on its behalf, if Cerro Gordo County obtains satisfactory assurance that the Business Associate will appropriately safeguard the information. These satisfactory assurances must be documented in the form of a Business Associate Agreement.

This standard does not apply to disclosures:

1. By Cerro Gordo County to a health care provider, concerning treatment of the individual;
2. With respect to disclosures by a group health plan to a group sponsor; or
3. With respect to uses and disclosures by Cerro Gordo County’s health plan; if the eligibility for, or enrollment in, the health plan is determined by an agency other than Cerro Gordo County.

Deceased Individuals, 164.502 (f) & (g)

Cerro Gordo County must comply with HIPAA privacy provisions, with respect to PHI of deceased individuals.

Personal Representative’s Access to PHI

Cerro Gordo County must treat a personal representative as the individual for purposes of the HIPAA privacy provisions. A personal representative must have legal authority to act on behalf of an individual, who is an adult or minor child, in making decisions related to health care.

Cerro Gordo County may elect not to treat a person as a personal representative of an individual if the County reasonably believes, in its professional judgment, that the individual has been or may be subjected to domestic violence, abuse, or neglect by such person or if treating the person as a personal representative could endanger the individual.

In addition, Cerro Gordo County must treat an executor or administrator of a deceased individual’s estate as a personal representative, with respect to relevant PHI.

Uses and Disclosures to Family Members, 164.510 (b)

In the event of an emergency, or an individual's incapacity, Cerro Gordo County may disclose PHI to a family member, close friend, or any other person identified by the individual; if the PHI is relevant to such person's involvement with the individual's care or payment related to the individual's health care. If the individual is present, Cerro Gordo County must obtain the individual's agreement to release PHI to a family member or close friend.

Minimum Necessary for Uses of PHI, 164.514 (d) (2)

Cerro Gordo County must identify those persons or classes of persons, if appropriate, in its workforce who need access to PHI to carry out their duties. For each person or class of persons, Cerro Gordo County must identify the category or categories of PHI to which access is needed and the conditions appropriate for such access. Cerro Gordo County must make reasonable efforts to limit the access of each person or class of persons.

Verification, 164.514 (h)

Cerro Gordo County shall verify the identity of a person requesting PHI, and the authority of such person to have access to PHI, if the identity or authority of the person is not known to the County. This can include oral or written verification.

PROCEDURE

1. Determine if the information to be used or disclosed is to an individual or entity that has a right to access the information.
2. Determine if there is any other policy that prohibits use or disclosure. (Verify that an agreement is in place or no objection has been made to the use or disclosure.)

**POLICY AND PROCEDURE:
Business Associate Agreements**

POLICY

In order to conduct business and perform health care operations, while at the same time ensuring confidentiality of protected health information (PHI), the County will enter into agreements or memorandums of understanding with all Business Associates, as defined under the Health Insurance Portability and Accountability Act of 1996. The County will follow the standards and requirements outlined below.

Cerro Gordo County will obtain assurances that the Business Associate will safeguard PHI that the County discloses to it or it receives or creates on behalf of the County. An agreement between the County and a Business Associate will establish the permitted uses and disclosures of PHI. However, the agreement will not allow the Business Associate to use or further disclose PHI in violation of the HIPAA privacy provisions; except the Business Associate may use and disclose PHI for the following purposes [164.504 (e)]:

1. Management and administration of the Business Associate;
2. Legal responsibilities; or
3. Data aggregation services relating to the health care component of the County.

** If the Business Associate, pursuant to the law or the agreement, uses or discloses PHI it receives, the Business Associate must obtain reasonable assurances from the person(s) to whom the information is disclosed that it will be confidential and used or further disclosed only as required by law.*

The agreement between the County and the Business Associate will also provide the Business Associate will:

1. Agree not to use or further disclose PHI, other than as permitted or required by law;
2. Agree to use appropriate safeguards to prevent use or disclosure of the PHI;
3. Agree to mitigate, to the extent practicable, any harmful effect that is known to the Business Associate of an unlawful use or disclosure of PHI by a Business Associate;
4. Agree to report to the County any use or disclosure of the PHI not provided for by the agreement;
5. Agree to ensure that any agents, including a subcontractor, to whom it provides PHI received from, or created or received by the Business Associate on behalf of, the County, agree to the same restrictions and conditions that apply to the Business Associate, with respect to such information;
6. Agree to provide the County with access to PHI in a designated record set, in the time and manner designated by the County, or as directed by the County, to an individual (164.524);
7. Agree to make any amendment(s) to PHI in a designated record set at the request of the County or an individual and in the time and manner designated by the County;
8. Agree to make internal practices, books, and records relating to the use and disclosure of PHI, received from the County, available to the County or to the Secretary, in a time and manner designated by the County or the Secretary, for purposes of determining County compliance;

9. Agree to document such disclosures of PHI as would be required for the County to respond to a request by an individual for an accounting of disclosures of PHI (164.528);
10. Agree to provide to the County or an individual, in the time and manner designated by the County, information required for an accounting of disclosures of PHI (164.528).

Termination of an Agreement

In addition, the Business Associate shall agree to the following:

1. At termination of the agreement, if feasible, return or destroy all PHI received from, or created or received by the Business Associate on behalf of, the County that the Business Associate still maintains, in any form, and retain no copies of such information. If return or destruction is not feasible, the protections of the agreement shall be extended and further uses and disclosures limited.
2. Authorize termination of the agreement by the County if the County determines that the Business Associate has violated a material term of the agreement.

Other Arrangements

Cerro Gordo County can enter into a Memorandum of Understanding, containing the preceding conditions, with the Business Associate if both entities are governmental entities.

Group Health Plans

Cerro Gordo County may disclose summary health information to a plan sponsor.

**POLICY AND PROCEDURE:
Authorizations**

POLICY

To ensure the integrity of individual protected health information (PHI), Cerro Gordo County will only disclose information pursuant to an authorization, unless otherwise directed by the Health Insurance Portability and Accountability Act of 1996. Cerro Gordo County will follow the requirements as outlined below.

Authorization Required, 164.508 (a) (1)

Cerro Gordo County requires authorizations for any use and disclosure of:

1. Psychotherapy notes, except to carry out treatment, payment, or health care operations or for the County to defend itself in legal action; and
2. Marketing.

Invalid Authorizations, 164.508 (b)

An authorization will not be valid if it passes the expiration date, if it has not been filled out completely, if revoked, or if any material information is known by Cerro Gordo County to be false. In addition, Cerro Gordo County will not combine authorization for psychotherapy notes with any other document to create a compound authorization.

Conditioning Authorizations, 164.508 (b) (4)

Cerro Gordo County may condition enrollment or eligibility for benefits on provision of an authorization requested by Cerro Gordo County, prior to the individual's enrollment:

1. If the authorization is sought for the health plan's eligibility or enrollment determinations relating to the individual; or
2. For its underwriting or risk taking determinations; and
3. If the authorization is not for a use or disclosure of psychotherapy notes.

Revocation, 164.508 (b) (5)

An individual may revoke an authorization at any time, provided that the revocation is in writing, except to the extent that:

1. Cerro Gordo County has taken action in reliance on the authorization; or
2. The authorization was a condition of obtaining insurance coverage.

Documentation, 164.508 (b) (6)

Cerro Gordo County will document and retain any signed authorizations for a period of six (6) years.

Valid Authorizations, 164.508 (c)

1. Specific and meaningful description of the information to be used or disclosed.
2. Name or other specific identification of the person or class of persons authorized to make the requested use or disclosure.
3. Name or other specific identification of the person or class of persons to whom the County may make the requested use or disclosure.

4. A description of each purpose of the requested use or disclosure. The statement “at the request of the individual” is a sufficient description of the purpose when an individual initiates the authorization and does not, or elects not to, provide a statement of the purpose.
5. An expiration date or expiration event related to the individual for the purpose of the use or disclosure.
6. Signature of the individual and date. If the authorization is signed by the individual’s personal representative, a description of the representative’s authority to act for the individual must be provided.

In addition to the above core elements, the authorization must also contain the following statements, to adequately put the individual on notice:

1. The individual’s right to revoke the authorization, in writing;
2. The exceptions to the right to revoke or a reference to the County’s privacy notice if the exceptions to revocation are listed;
3. The ability of Cerro Gordo County to condition treatment, payment, enrollment and/ or eligibility for benefits on an authorization by stating the consequences to the individual of a refusal to sign the authorization; and
4. The potential for information disclosed to be subject to re-disclosure by the recipient.

Further, the authorization will be written in plain language, and a copy of the signed authorization will be given to the individual.

PROCEDURE

1. Determine if an authorization is required for the disclosure of PHI.
2. Review the purpose of the authorization with the individual.
3. Ask the individual to read, complete, sign, and date the authorization.
4. Explain to the individual that the authorization can be revoked, in writing, at any time, the exceptions to revocation, and the consequences of revocation.
5. Explain to the individual that they have the right to not sign the authorization and the consequences of not signing.
6. Give a signed copy of the authorization to the individual.
7. Give the individual a copy of the County’s Notice of Privacy Practices.
8. Place the completed authorization in the individual’s designated record set.

**POLICY AND PROCEDURE:
Uses and Disclosures that Require an Opportunity to Object**

POLICY

To ensure the confidentiality of individual protected health information (PHI), Cerro Gordo County will disclose information in certain situations only after the individual has had an opportunity to agree or object to the disclosure, pursuant to the Health Insurance Portability and Accountability Act of 1996. Cerro Gordo County will follow the requirements as outlined below.

Individual's Right to Agree or Object, 164.510

Cerro Gordo County may use or disclose PHI, provided the individual is informed in advance of the use or disclosure and has the opportunity to agree to, to prohibit, or to restrict the following uses or disclosures:

1. Cerro Gordo County may disclose to an individual's relative, close friend, or any other persons identified by the individual the individual's PHI that directly relates to that person's involvement in the individual's health care.
2. Cerro Gordo County may use or disclose PHI to notify or assist in notifying a family member, personal representative, or any other person that is responsible for the individual's care of the individual's location, general condition, or death.
3. If the individual is not present, or the opportunity to agree or object to the use or disclosure cannot practicably be provided because of the individual's capacity or an emergency circumstance, Cerro Gordo County may, in the exercise of professional judgment, determine whether the disclosure is in the best interest of the individual. If so, disclose only the PHI that is directly relevant to the person's involvement in the individual's care.
4. Cerro Gordo County may use or disclose PHI to an authorized public or private entity to assist in disaster relief efforts and to coordinate uses and disclosures to family or other individuals involved in the individual's health care.

Form of Agreement or Objection

Cerro Gordo County may orally inform the individual and receive oral agreement or objection to the use or disclosure.

PROCEDURE

1. Determine whether the use or disclosure requires an opportunity for the individual to agree or object.
2. Disclose only that PHI which is relevant to the person's role in the individual's health care.
3. Document the individual's oral agreement or objection in the individual's designated record set.

**POLICY AND PROCEDURE:
Accounting of Disclosures**

POLICY

Cerro Gordo County acknowledges an individual's right to an accounting of disclosures by the County. The County will provide this accounting pursuant to the Health Insurance Portability and Accountability Act of 1996. The County will follow the requirements as outlined below.

Right to an Accounting of PHI, 164.528 (a) (1)

An individual has the right to receive an accounting of disclosures of protected health information (PHI) made by the County in the six years prior to the date on which the accounting was requested, except for disclosures:

1. To carry out treatment, payment, and health care operations;
2. To individuals of PHI about them;
3. Incident to a use or disclosure otherwise permitted;
4. Pursuant to an authorization;
5. For national security;
6. To correctional institutions or law enforcement officials;
7. As part of a limited data set; or
8. If it occurred prior to the compliance date for the County.

The County must temporarily suspend an individual's right to receive an accounting of disclosures to a health oversight agency or law enforcement official, at the request of a health oversight agency or law enforcement official, if they provide a written statement that such accounting would be reasonably likely to impede the agency's actions. In addition, they must also state a time for which the suspension is required. If the statement is given orally, the County must document the statement, including the agency or official's identity; and the suspension cannot be longer than 30 days.

Content of the Accounting, 164.528 (b)

The County must provide the individual with a written accounting that includes the disclosures of PHI that occurred during the past six years (or shorter period, if requested by the individual) prior to the date of the request for accounting, including disclosures to or by business associates of the County. The accounting must include the following for each disclosure:

1. Date of the disclosure;
2. Name of the entity or person who received the PHI, and if known, the address of such entity or person;
3. Brief description of the PHI disclosed; and
4. Brief statement of the purpose of the disclosure that reasonably informs the individual of the basis of disclosure, or in lieu of such statement, a copy of a written request for the disclosure.

If, during the period covered by the accounting, the County has made multiple disclosures of PHI to the same person or entity for a single purpose, the accounting may, with respect to such multiple disclosures, provide the information listed above for the first disclosure. In addition, the

County shall provide the frequency, periodic, or number of disclosures made during the accounting period and the date of the last disclosure during the accounting period.

Provision of the Accounting, 164.528 (c)

The County must act on the individual's request for an accounting no later than 60 days after the request is made, as follows:

1. Provide the individual with an accounting;
2. If the County is unable to provide the accounting within the time required, the County can extend the time to provide the accounting no more than 30 days if the County provides the individual with a written statement with the reason for the delay and the date by which the County shall provide the accounting. The County may only have one extension.

The County must provide the first accounting to an individual for any 12 month period without charge. The County may impose a reasonable, cost-based fee for subsequent requests for an accounting by the same individual within the 12 month period, provided the County informs the individual in advance of the fee and provides the individual with an opportunity to withdraw or modify the request.

Documentation, 164.528 (d)

The County must document and retain the documentation, which includes the written accounting provided to the individual and the titles of the person or offices responsible for receiving and processing requests for an accounting.

PROCEDURE

1. Provide the individual with a Request for Accounting Form.
2. Provide the necessary disclosures to the individual.
3. Retain the documentation to be included in the individual's designated record set.

**POLICY AND PROCEDURE:
Accessing Protected Health Information**

POLICY

Cerro Gordo County acknowledges the individual's right to access confidential information about themselves. To this end, Cerro Gordo County will disclose PHI to the individual, pursuant to the Health Insurance Portability and Accountability Act of 1996. Cerro Gordo County will follow the requirements as outlined below.

Right to Access, 164.524 (a)

Individuals have a right of access to inspect and obtain protected health information (PHI) about the individual, in a designated record set, for as long as the information is maintained by Cerro Gordo County, except for:

1. Psychotherapy notes;
2. Information compiled in reasonable anticipation of a legal proceeding; or
3. PHI maintained by Cerro Gordo County that is subject to, or exempt from, the Clinical Laboratory Improvements Amendments (CLIA) of 1988.

Un-reviewable Grounds for Denial, 164.524 (a) (2)

Cerro Gordo County may deny an individual access to PHI, without providing the individual an opportunity for review, for the following reasons:

1. The information requested is psychotherapy notes;
2. The County department that is a correctional institution, or a covered health care provider acting under the direction of a correctional institution, has determined that the requested information would jeopardize the health, safety, security, custody, or rehabilitation of the individual or other inmates or the safety of a correctional employee or other person responsible for transporting the individual;
3. The information requested was obtained under a promise of confidentiality from someone other than the County, and the inspection and copying will likely reveal the source of the information;
4. The requested information was compiled in reasonable anticipation of, or for use in, a legal proceeding;
5. The PHI is obtained by Cerro Gordo County in the course of research that includes treatment of the research participants while such research is in progress. For this exception to apply, the individual must have agreed to the denial of access, in conjunction with the individual's consent to participate in the research; and the covered provider must have informed the individual that the right of access will be reinstated upon completion of the research;
6. The PHI requested is also subject to the Privacy Act.

Reviewable Grounds for Denial

Cerro Gordo County must provide the individual with a right to review the following reasons for denial:

1. If a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person;
2. The PHI requested makes reference to someone other than the individual (and other than a health care provider), and a licensed health care provider has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause serious harm to that other person; or the request is made by an individual's personal representative, and a licensed health care professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.

Review of Denial of Access

If access is denied, and the individual has grounds for review, the individual has the right to have denial reviewed by a licensed health care professional who is designated by the County to act as a reviewing official and who did not participate in the original decision to deny.

Request to Access and Timely Action, 164.524 (b)

Cerro Gordo County will permit an individual to request access to inspect or obtain a copy of the PHI about the individual that is maintained in a designated record set by the County. The request for access must be in writing.

Cerro Gordo County must act on a request for access within 30 days of receiving the request if the information is maintained and accessible on-site. Cerro Gordo County must act on a request for access within 60 days of receiving the request if the information is not maintained or accessible on-site. If Cerro Gordo County is unable to act on a request within the applicable deadline, it may extend the deadline no more than 30 days by providing the individual with a written statement of the reason for the delay and the date by which Cerro Gordo County will complete its action on the request. This written statement describing the extension must be provided within the standard deadline. Cerro Gordo County may only extend the deadline once per request for access. The requirements for Cerro Gordo County to comply with or deny a request for access, in whole or in part, are described below:

Provision of Access, 164.524 (c)

Cerro Gordo County, upon accepting a request for access, will notify the individual of the decision and any steps necessary to fulfill the request; to provide the information requested in the form or format requested, if readily producible in such form or format; and to facilitate the process of inspection and copying. If the same PHI is maintained in more than one designated record set, or at more than one location, Cerro Gordo County is required to produce the information only once per request for access.

Cerro Gordo County must provide the information requested in the form or format requested, if it is readily producible in such form or format. Additionally, if the information is not available in the form or format requested, Cerro Gordo County must provide the information in a readable hard copy or another form or format to which the individual and Cerro Gordo County can agree. If the individual agrees, including agreeing to any associated fees, Cerro Gordo County may provide access to a summary of information rather than all PHI in a designated record set.

Cerro Gordo County must provide the access requested in a timely manner, including arranging for a mutually convenient time and place for the individual to inspect the PHI or obtain a copy. If the individual requests that Cerro Gordo County mail a copy of the information, the County must do so and may charge certain fees for copying and mailing.

If the individual requests a copy of PHI, Cerro Gordo County may charge a reasonable, cost-based fee for the copying, including the labor and supply costs of copying. Cerro Gordo County may not charge any fees for retrieving or handling the information or for processing the request. If the individual requests the information to be mailed, the fee may include the cost of postage. If the individual requests an explanation or summary of the information provided, and agrees in advance to any associated fees, Cerro Gordo County may charge for preparing an explanation or summary.

Denial of Access, 164.524 (d)

If Cerro Gordo County denies access, in whole or in part, Cerro Gordo County must, to the extent possible, give the individual access to any other PHI requested, after excluding the PHI to which the County has a ground to deny access. Cerro Gordo County, upon denying a request for access, in whole or in part, will provide the individual with a written statement, in plain language, of the basis for the denial, how the individual may exercise the right or review, and how the individual could make a complaint to the County or the Secretary of Health and Human Services.

If Cerro Gordo County denies the request because it does not maintain the requested information, and the County knows where the requested information is retained, Cerro Gordo County must inform the individual where to direct the request for access.

Review of Denial Requested

If the individual requests a review of a denial made, Cerro Gordo County must designate a licensed health care professional to act as the reviewing official. This reviewing official must not have been involved in the original decision to deny access. Cerro Gordo County must promptly refer a request for review to the designated reviewing official. The reviewing official must determine, within a reasonable period of time, whether or not to deny the access requested. Cerro Gordo County must promptly provide the individual with written notice of the reviewing official's decision and otherwise carry out the decision in accordance with the requirements of this section.

Documentation

Cerro Gordo County must retain documentation of the designated record sets that are subject to access by the individual and the titles of the person(s) or offices responsible for receiving and processing requests for access by individuals.

PROCEDURE

1. Provide the individual with a Request to Access Protected Health Information Form.
2. Inform the individual that the County will notify the individual of its decision.
3. Inform the individual of the grounds on which the County can deny access.

4. Send the individual written notice of acceptance or denial.
5. If the request is accepted, allow the individual to obtain the requested information.
6. Place all denials or acceptances in the individual's designated record set.