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Owner:	<i>Ursula Henry</i>
Policy Area:	<i>Legal</i>
References:	<i>HIPAA, 45 CFR Part 160, Part 162, Part 164, HITECH</i>

## PHI Privacy and Confidentiality

### POLICY

It is the policy of Detroit Wayne Mental Health Authority (DWMHA) to establish administrative policies and procedures for safeguarding the privacy of protected health information (PHI). The accompanying policies detail these safeguards.

### PURPOSE

The purpose of this policy is to create a stub policy to ensure proper revision tracking of the attached HIPAA Privacy (PHI) policies to ensure they are reviewed annually.

A major goal of the Privacy Rule is to assure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well being. The Privacy Rule strikes a balance that permits important uses of information, while protecting the privacy of people who seek care and healing.

### APPLICATION

1. The following groups are required to implement and adhere to this policy: DWMHA Board, DWMHA Staff, Contractual Staff, Access Center, Network Providers, Crisis services vendor, Credentialing Verification Organization (CVO)
2. This policy serves the following populations: Adults, Children, I/DD, SMI/SEI, SED, SUD, Autism
3. This policy impacts the following **contracts/service lines**: MI-HEALTH LINK, Medicaid, SUD, Autism, Grants, General Fund

### KEYWORDS

1. **HIPAA**: Health Insurance Portability and Accountability Act of 1996
2. Standards for Privacy of Individually Identifiable Health Information ("**Privacy Rule**"): A set of national standards for the protection of certain health information established by the U.S. Department of Health and Human Services ("HHS") to implement the requirement of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").
3. **Protected Health Information**: The Privacy Rule protects all "individually identifiable health information" held or transmitted by a covered entity or its business associate, in any form or media,

whether electronic, paper, or oral.

4. **Individually identifiable health information:** Information, including demographic data, that relates to:
  - a. the individual's past, present or future physical or mental health or condition,
  - b. the provision of health care to the individual, or
  - c. the past, present, or future payment for the provision of health care to the individual,
  - d. and that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual.<sup>13</sup> Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).

## STANDARDS

1. This Stub Policy is the place holder for the attached HIPAA Privacy and Confidentiality Policies.
2. Any changes or revisions to the PHI Policy Manual must be made using this Stub Policy.

## QUALITY ASSURANCE/IMPROVEMENT

DWMHA shall review and monitor contractor adherence to this policy as one element in its network management program, and as one element of the QAPIP Goals and Objectives.

The quality improvement programs of direct contractors and their subcontractors must include measures for both the monitoring of and the continuous improvement of the programs or processes described in this policy.

## COMPLIANCE WITH ALL APPLICABLE LAWS

DWMHA staff, contractors, and subcontractors are bound by all applicable local, state and federal laws, rules, regulations and policies, all federal waiver requirements, state and county contractual requirements, policies, and administrative directives, as amended.

## LEGAL AUTHORITY

45 CFR [Part 160](#) and Subparts A and C of [Part 164](#).

## RELATED POLICIES

1. HIPAA Security Manual and Policies
2. Notice of Privacy Practices

## RELATED DEPARTMENTS

1. Compliance
2. Information Technology

## CLINICAL POLICY

NO

# INTERNAL/EXTERNAL POLICY

EXTERNAL

## Attachments:

[PHI\\_Privacy\\_and\\_Confidentiality\\_FY\\_2018.pdf](#)

### Approval Signatures

Approver	Date
Ursula Henry	06/2019

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