

<b>ADAMHS BOARD FOR MONTGOMERY COUNTY</b>	<b>BP # 507</b>	
<b>TITLE :</b> Member's/Client's Rights: Inspect & Copy, Amend, Accounting of Disclosures, and Confidential Communication	<b>SUBJECT</b> HIPAA	
Page 1 of 3	<b>EFFECTIVE DATE</b> 4/14/2003	<b>SUPERSEDES DATE</b>

**PURPOSE:** The Health Insurance Portability and Accountability Act of 1996 (HIPAA) granted individuals the right to receive adequate notice of the uses and disclosures of their protected health information (PHI) that may be made by a covered entity, and the individual's rights and the entity's legal duties with respect to PHI. This policy has been developed to assist the Board to comply with the law and to guide Board staff in assisting member/clients to exercise their rights.

**INSPECT AND COPY:**

Members/clients shall have the right to inspect and copy their protected health information that is maintained in record sets of the Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County and its business associates.

The Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County may deny access to records under certain specified circumstances and shall establish and maintain a process for appeal of the denial.

**AMENDMENT:**

Subject to some limitations, members/clients shall have the right to amend erroneous or incomplete protected health information.

The Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County may deny member/client's request for amendment to PHI and shall establish and maintain a process for appeal of the denial.

**RIGHT TO ACCOUNTING OF DISCLOSURES:**

Member/clients shall have the right to an accounting of disclosures of their protected health information that is maintained in record sets of the Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County and its business associates.

**RIGHT TO CONFIDENTIAL COMMUNICATION:**

The Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County shall comply with the member/client's reasonable request to receive communications of protected health information by alternative means or at alternative locations.

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**DEFINITIONS:**

- 1.1 Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA is comprehensive law enacted by the United States government. The law has several subparts providing such benefits as guaranteed portability and renewal of insurance benefits between employers, tax provisions for medical savings accounts and administrative simplification to improve the efficiency and effectiveness of the health care system. During the latter part of the 1990's, the Secretary of the Department of Health and Human Services drafted regulations for standardizing the electronic interchange of administrative and financial data and protecting the security and privacy of personal health information. HIPAA requires health care providers, health plans and health care clearinghouses to transition to the use of standard code sets and "electronic data interchange (EDI) and to maintain reasonable and appropriate administrative, technical, and physical safeguards to insure the integrity and confidentiality of healthcare information; to protect against reasonably foreseeable threats and hazards to the security or integrity of the information; and, to protect against unauthorized uses or disclosure of the information. Compliance with the first of the HIPAA rules is scheduled for early 2003. HIPAA also provides criminal penalties for failure to comply with the regulations.
  
- 1.2 Individually Identifiable Health Information (IIHI). A subset of health information, including demographic information collected from an individual and that is created or received by a health care provider and relates to the past, present, or future physical or behavioral health or condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual, and which identifies the individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.
  
- 1.3 Protected Health Information (PHI). The final rule defines PHI as individually identifiable health information that is transmitted by electronic media; maintained in any electronic medium such as magnetic tape, disc, optical file; or transmitted or maintained in any other form or medium (i.e. paper, voice, Internet, fax etc.).

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- 1.4 Business Associate. A business associate is a person or entity that provides certain functions, activities, or services for, or to a covered entity (healthcare provider, health plan, healthcare clearinghouse), involving the use and/or disclosure of PHI. A covered entity may be a business associate of another covered entity.
- 1.5 Designated Record Set. A group of records maintained by or for the Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County that is:
- a. The medical records and billing records about individuals maintained by or for the Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County
  - b. The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan.
  - c. Used, in whole or in part, by or for the Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County to make decisions about the individual.
  - d. Medical records of individuals treated by defunct agencies that are now maintained by the Board.