

ADAMHS BOARD FOR MONTGOMERY COUNTY		BP # 515	
TITLE: Client's Personal Representative		SUBJECT: HIPAA	
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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 identifying a member's/client's personal representative and to what extent PHI may be disclosed to that representative. A personal representative, legally authorized to do so, may act on behalf of another person even if the person is an adult or emancipated minor. The Board shall treat a personal representative as the individual represented with respect to disclosure of PHI relevant to the terms of the personal representation

POLICY:

1. Alcohol, Drug Addiction and Mental Health Services for Montgomery County staff shall use and disclose PHI as necessary and appropriate with respect to a personal representative of the individual who is the subject of the PHI.
2. The Board shall maintain documentation of an individual's personal representative and the degree to which the individual's PHI may be shared with that representative.
3. The Board will establish HIPAA compliant procedures to implement this policy.

DEFINITIONS

- 1.1 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 mental health or condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual, and 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.
- 1.2 Protected Health Information (PHI). The final rule defines PHI as individually identifiable health information that is transmitted by electronic media;

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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.).

- 1.3 Personal Representative. A personal representative is a person who may legally act with authority on behalf of another person. Generally, personal representatives act on behalf of an un-emancipated minor or an individual unable to act for himself because of physical or mental incapacity.
- 1.4 Emancipated Minor. May be defined as a minor who is legally separated from a parent or legal guardian.
- 1.5 Client Caretaker. Client caretaker may be defined as a person that is directly involved in the care of the client or in payment for the client's treatment. The caretaker may be identified by the client or the Board may infer a caretaker relationship based on professional judgment and experience.