

## **2015 Alabama Newborn Screening Conference**



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## **Newborn Screening and HIPAA**

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### **Topics of Discussion**

- **HIPAA Overview**
- **Disclosures of Patient/Client Information**
- **Proper Disposal of PHI**

### **Protected Health Information (PHI)**

- **Individually identifiable health information about an individual's past, present, or future medical or mental condition, transmitted or maintained in any form by a covered entity**

### **Examples of Protected Health Information**

- **Name**
- **Address**
- **Date of Birth**
- **Date of Service**
- **Social Security Number**
- **Diagnosis**
- **Telephone Number**
- **E-mail Address**

### **Examples of Protected Health Information**

- **Full face photographs and comparable images**
- **Medical Record Number**
- **Other information that would allow the patient / client to be identified**

### **HIPAA Exceptions**

- Treatment
- Payment
- Healthcare Operations

### **What Is the Minimum Necessary Rule?**

- Health care personnel who are directly involved in a patient's treatment and care (e.g., physicians, nurses, social workers and appropriate clerical workers) may have access to all of the patient's PHI

### **What Is the Minimum Necessary Rule?**

- Health care personnel who are not directly involved in a patient's treatment may not have unlimited access to a patient's PHI

### **What Is the Minimum Necessary Rule?**

- It is a violation of the minimum necessary rule for a health care provider to access the PHI of patients with whom the provider has no treatment relationship, unless for research purposes as permitted by the Privacy Regulations and Department Policy

### **Exceptions to the Minimum Necessary Rule**

The minimum necessary rule does not apply in the following instances:

1. Disclosures to, or requests by, a Health Care Provider for treatment
2. Uses or disclosures made to the patient or his / her legal representatives

### **Exceptions to the Minimum Necessary Rule**

3. Uses or disclosures made pursuant to an authorization
4. Disclosures made to the Secretary of the U.S. Department of Health and Human Services for compliance and enforcement of the Privacy Regulations

### **Exceptions to the Minimum Necessary Rule**

- 5. Uses and disclosures required by law**
- 6. Uses and disclosures required by compliance with HIPAA standardized transactions**

### **Public Health Activities**

- The Privacy Rule permits covered entities to disclose protected health information when State or other law requires covered entities to make disclosures for public health purposes.**
- Code of Alabama §22-20-3**
- Alabama Administrative Code Chapter 420-10-1**

### **General Discussion**

- Completing the Form**
- Handling the Specimen**
- Liability**
- Newborn Screening Refusal Form**
- Twins and Multiples**

**Alabama Department of Public Health**

**HIPAA  
Privacy Officers**

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### **Faculty**

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