# VERIFICATION REQUIREMENTS FOR USE AND DISCLOSURE



Policy: DAS will verify the identity of a person requesting Protected Health Information (PHI) and the authority of any such person to have access to the Protected Health Information (PHI).

Standard: To maintain compliance with Title 45 CFR Part 164.514, Other Requirements Relating to Uses and Disclosures of Protected Health Information, Verification Requirements.

Guidelines: DAS will obtain documentation, statements, or representations, whether oral or written, from the person requesting the protected health information when it is required as a condition of the disclosure.

DAS will use and disclose Protected Health Information (PHI) for the purpose of fulfilling its Billing and Collections function.

DAS will follow all applicable laws and regulations when using or disclosing Protected Health Information (PHI) in its Billing and Collections function.

DAS is a Clearinghouse and only uses and discloses health Care information for Treatment, Payment and Health Care Operations (TPO). The Client Agencies for which it processes the data have already obtained the appropriate authorizations and consents.

Procedures: Protected Health Information (PHI):

1. DAS will use the following types of Protected Health Information (PHI) in its Billing and Collections function:

Protected information includes information related to claims, health services, federal and state tax information, financials, criminal/court related information and other personally identifiable records.

(a) DAS will only disclose protected health information within FSC on a need-to-know basis.

(b) All employees are required to sign a confidentiality agreement as a condition of employment whereby they agree not to request, use or disclose protected information unless necessary to perform their job.

2. DAS will disclose protected information to persons outside FSC only pursuant to specific statutory provisions. If it is necessary for protected information to be used by someone outside of FSC, the information will be released only in a form that cannot be traced to a specific individual OR subject to the same protections as FSC is required to provide.

3. Knowledge of a violation or potential violation of this policy must be reported directly to the Privacy Officer.

Verification Prior to Disclosures:

Verification is done when the identity of the requestor is not known or when documentation is required.

Verification Methods:

| ENTITY | METHOD |
|---|---|
| Client | Phone: Caller ID; if they are holding a Statement, ask for identifying information off of the statement; if not, ask Social Security Number, date-of-birth,<br>Letter: Verify name and address |
| Client Authorized Representative | Signed Authorization<br>DAS will not treat a person as the personal representative of an individual if:<br>DAS has a reasonable belief that:<br>• The individual has been or may be subjected to domestic violence, abuse, or neglect by such person; or<br>• Treating such person as the personal representative could endanger the individual; and<br>• DAS, in the exercise of professional judgment, decides that it is not in the best interest of the individual to treat the person as the individual's personal representative. |
| Client's Attorney | Signed Authorization, or same Method as Client above |
| Insurance | Claim Number, Company Tax ID Number, Letterhead, Callback, or same Method as Client above |
| Legally Liable Relative | Claim Number from Statement |
| Fiduciary | Copy of Appointing Document, or same Method as Client |
| Law Enforcement | Identification Badge, Letterhead |
| Authorized Audit | State Auditors of Public Account or<br>HHS |
| Government Agency | Caller ID; If the request is made in person, presentation of an agency identification badge, other official credentials, or other proof of government status; If the request is in writing, the request is on the appropriate government letterhead; |
| Business Associate | Face to Face, or same Method as Client above |
| Public Official<br>or a person acting on behalf of the public official | • A written statement of the legal authority under which the information is requested, or, if a written statement would be impracticable, an oral statement of such legal authority;<br>• If a request is made pursuant to legal process, warrant, subpoena, order, or other legal process issued by a grand jury or a judicial or administrative tribunal is presumed to constitute legal authority.<br>See example below |

Inventory of Uses and Disclosures (Routine or Recurring Requests):

| DATA | ENTITY AUTHORIZED | AUTHORITY CATEGORY |
|---|---|---|
| Demographic | FSC Worker | TPO |
| Payment | FSC Worker | TPO |
| Child Support Services | FSC Child Support Services Worker | TPO |
| School Based Services | FSC School Based Services Worker | TPO |
| Tax (State & Federal) | FSC Worker | TPO |
| Alcohol and Drug | FSC Worker | TPO |
| Psychiatric | FSC Worker | TPO |
| Veterans | FSC VA Worker | TPO |

Routine communication, where entity relationships have been established, do not require special verification procedures.

Non-routine disclosures, not covered in these Policies and Procedures, must be reviewed on an individual basis by a Team Leader. Unresolved issues are to be brought to the DAS HIPAA Privacy Officer for resolution.

Recording of Uses and Disclosures:

A log for the recording of all non-routine disclosures will be maintained. A copy going back six years prior to request will be made available to clients at their request for $.50 per page to cover the cost of copying and mailing.

Non-routine disclosures will be recorded on the Avatar Admission Comments Screen, with-in 60 days. Items to be keyed in:

- Date of disclosure
- Name of entity or person who received the PHI (address if known)
- Brief description of PHI disclosed
- Brief statement of purpose of disclosure

Conditions on disclosures:

DAS may rely, if such reliance is reasonable under the circumstances, on documentation, statements, or representations that, on their face, meet the applicable requirements.

- The conditions may be satisfied by the administrative subpoena or similar process or by a separate written statement that, on its face, demonstrates that the applicable requirements have been met.
- The documentation may be satisfied by one or more written statements, provided that each is appropriately dated and signed.

Identity of public officials:

DAS may rely, if such reliance is reasonable under the circumstances, on any of the following to verify identity when the disclosure of Protected Health Information (PHI) is to a public official or a person acting on behalf of the public official:

- If the request is made in person, presentation of an agency identification badge, other official credentials, or other proof of government status;
- If the request is in writing, the request is on the appropriate government letterhead; or
- If the disclosure is 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 or other evidence or documentation of agency, such as a contract for services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official.

Authority of public officials:

DAS may rely, if such reliance is reasonable under the circumstances, on any of the following to verify authority when the disclosure of Protected Health Information (PHI) is to a public official or a person acting on behalf of the public official:

- A written statement of the legal authority under which the information is requested, or, if a written statement would be impracticable, an oral statement of such legal authority;
- If a request is made pursuant to legal process, warrant, subpoena, order, or other legal process issued by a grand jury or a judicial or administrative tribunal is presumed to constitute legal authority.

Exercise of professional judgment:

The verification requirements are met if DAS relies on the exercise of professional judgment or acts on a good faith belief in making a disclosure.