

## DATA PRIVACY AND HIPAA

The Minnesota Data Practices Act and the federal Health Insurance Portability and Accountability Act (HIPAA) give individuals the right to be informed about the information we maintain about them at PossAbilities and with whom we routinely share it. PossAbilities must comply with data privacy rules under HIPAA. This federal law imposes comprehensive data privacy, data security, and electronic data transmission rules to ensure that health care information is used for legitimate healthcare operations.

The data that HIPAA covers includes any information that is created or received by PossAbilities and that relates to the past, present, or future physical or mental health or condition of an individual; or the past, present, or future payment for the provision of health care to an individual.

Complying with the state and federal guidelines allows PossAbilities staff to disclose information to an individual or organization that has a contract to provide services to individuals with disabilities. They therefore become part of the welfare system and are required to abide by the Data Privacy Act and HIPAA. The following individuals or organizations are covered under PossAbilities data privacy notice:

- Paid or volunteer staff at PossAbilities whose work requires knowledge about the individual.
- Social Security Administration.
- Local law enforcement agencies and/or health departments on matters of child abuse/neglect and abuse/neglect of vulnerable adults which will be shared to assure protection of the individual and identification of the perpetrator.
- Appropriate parties in connection with an emergency as necessary to protect the individual's health or safety or that of other individuals
- The courts as a result of a court order.
- Government agencies including the U.S. Department of Labor, U.S. Department of Health and Human Services, Minnesota State Department of Human Services and County Social Services.
- Private agencies or individuals who provide a service to PossAbilities such as auditors, insurance companies, transportation companies, consultants.
- Court appointed guardians, conservators, persons with power of attorney or relatives who may be legally or financially responsible for the individual.
- Individuals and agencies for which a statute, federal law or the state Commissioner of Administration authorized a new use or sharing of the information.
- Private agencies or individuals who provide a paid service to the individual.

The signed data privacy notice does not allow PossAbilities staff to disclose information to:

- Paid or volunteer PossAbilities staff whose work does not require the information.
- Employers or coworkers.
- Siblings, parents and relatives (if not guardians).

- Previous service providers
- Physicians

When information on individuals is requested or needed by someone who is not listed on the data privacy notice, the PossAbilities staff person must either:

1. Send a Release of Information Authorization to the individual's guardian to authorize PossAbilities to send the information to the requestor, or
2. Verify that a current Release of Information Authorization for the requestor is in the individual's file. The Release of Information Authorization must be specific regarding the recipient, the information to be disclosed, and the purpose of the disclosure. Authorizations must be kept on file for at least six years following their expiration date.

Summary data about the agency is classified as public and must be provided when it is requested by the public. Summary data is information such as the number of individuals we support, what types of diagnoses or disabilities the individuals we support have, etc. Case histories may be shared with other professional or advisory groups for the purpose of receiving professional advice as long as the individual is not identified.

Individuals have the right to restrict uses or disclosures of their health information and to ask us for a record of the people or organizations we have shared their health information with. They may also ask us to correct any information they feel is incorrect. These rights are explained in the data privacy notice. The requests must be made in writing to PossAbilities, Attention Program Consultant, at the administrative office.

Remember information should be shared only with those whose work requires the information and only with appropriate authorization. Any support worker who violates the policy will be subject to disciplinary action.