

Care N' Care Insurance Company of North Carolina, Inc. Policy

Policy Title Privacy and Confidentiality			
Department Responsible Compliance and Integrity	Policy Code HTA – 1.50	Effective Date January 11, 2018	Next Review Date November 2020
Title of Person Responsible Compliance Officer	Approval Council CNC- NC Policy Governance Committee		Approved Date January 11, 2018

PURPOSE

Care N' Care Insurance Company of North Carolina, Inc. ("CNC-NC") understands that our members, stakeholders and state and federal regulators expect privacy and confidentiality regarding all personal and financial information. CNC-NC is committed to protecting the privacy and confidentiality of information, and using this information within prescribed parameters.

DEFINITIONS, INITIALS, ACRONYMS

Business Associates: Is a person or organization, other than a member of a covered entity's workforce, that performs certain functions or activities on behalf of, or provides certain services to, a covered entity that involve the use or disclosure of individually identifiable health information.

Health Care Providers: Every health care provider, regardless of size, who electronically transmits health information in connection with certain transactions, is a covered entity. These transactions include claims, benefit eligibility inquiries, referral authorization requests, or other transactions for which HHS has established standards under the HIPAA Transactions Rule. Using electronic technology, such as email, does not mean a health care provider is a covered entity; the transmission must be in connection with a standard transaction.

Health Insurance Portability and Accountability Act (HIPAA): A 1996 Federal law that restricts access to individuals' private medical information, which also include standards for the electronic exchange, privacy and security of health information. Collectively these are known as the *Administrative Simplification* provisions.

Health Plans: Individual and group plans (e.g. CNC-NC) that provide or pay the cost of medical care are covered entities. Health plans include health, dental, vision, and prescription drug insurers, health maintenance organizations ("HMOs"), Medicare, Medicaid, Medicare+Choice and Medicare supplement insurers, and long-term care insurers (excluding nursing home fixed-indemnity policies). Health plans also include employer-sponsored group health plans, government and church-sponsored health plans, and multi-employer health plans.

Individually Identifiable Health Information (IIHI): Information that is a subset of health information, including demographic information collected from an individual, and is created or received by CNC-NC, which 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 (a) that identifies the individual, or (b) with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

Privacy Rule: Apply to health plans, health care clearinghouses, and to any health care provider who transmits health information in electronic form in connection with transactions for which the Secretary of HHS has adopted standards under HIPAA (the “covered entities”).

Protected Health Information (PHI): Information that is IIHI and is transmitted by electronic media, or transmitted or maintained in any other form or medium, except education and other records covered by the Family Educational Right and Privacy Act (20 U.S.C. §1232g) and employment records held by a covered entity (HTA) in its role as an employer.

POLICY

CNC-NC has a moral and legal responsibility to protect against the unauthorized release of confidential information such as medical, employee, health care provider, and other defined sources, including business associates.

RESPONSIBILITIES

1. It is the responsibility of each member of the CNC-NC workforce to abide by this policy. The care of each member is a personal, confidential matter and protected health information (PHI) must not be discussed or disclosed to any unauthorized individual or in any other unauthorized fashion. Any employee discussing or revealing confidential information will be subject to appropriate corrective action, up to and including termination, and may also be subject personally to federal penalties or prosecution. It is the responsibility of each individual to understand privacy rules pertaining to their job duties and to ask their supervisor for assistance if they have questions.
2. CNC-NC staff is permitted, but not required, to use and disclose PHI, without an individual’s authorization, for the following purposes or situations: (1) To the Individual (unless required for access or accounting of disclosures); (2) Treatment, Payment, and Health Care Operations; (3) Opportunity to Agree or Object; (4) Incident to an otherwise permitted use and disclosure; (5) Public Interest and Benefit Activities; and (6) Limited Data Set for the purposes of research, public health or health care operations. Covered entities (i.e. CNC-NC) may rely on professional ethics and best judgments in deciding which of these permissive uses and disclosures to make.
3. CNC-NC staff must obtain the individual’s written authorization for any use or disclosure of PHI that is NOT for treatment, payment or health care operations or otherwise permitted or required by the Privacy Rule.
4. CNC-NC staff may not access, disclose or discuss individually identifiable health information (IIHI) that is not required for member care or other assigned job duties. The amount and type of member information to which CNC-NC staff may have access to is based on clinical and business necessity.
5. CNC-NC staff must make reasonable efforts to use, disclose, and request only the “minimum amount” of PHI needed to accomplish the intended purpose of the use, disclosure, or request.

6. IIHI should not be discussed in any situation in which a third party, including CNC-NC staff not involved in the member's care, might overhear. This includes requests for information from CNC-NC staff, relatives, friends, neighbors.
7. Each member has the right to request that limits be placed on the release of PHI in accordance with CNC-NC's Notice of Privacy Practice. In the event such a request is approved, the medical record and other protected health information will be secured and further restrictions may apply regarding access to the protected health information.
8. IIHI will be reported as required by state, local and national statutes and regulations.
9. CNC-NC staff will document in the member record all information being released or disclosed from the record as required by HIPAA and North Carolina law. The documentation will include by whom the information was released and the date of release. The requesting party is responsible for obtaining the required consent from the member.
10. Should a bona fide privacy and/or security breach occur, please see the SOP 1.50.01 Handling Non-Permitted Disclosures procedure for appropriate action steps.

REFERENCE DOCUMENTS/LINKS

Please see: <https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html>

ATTACHEMENT

N/A

PREVIOUS REVISION/REVIEW DATES

Date	Reviewed	Revised	Notes
N/A	N/A	N/A	This is a new policy.
12/04/2018	Yes	Yes	Removed HTA references, no substantive changes.
10/28/19	Yes	Yes	Included two statements regarding written authorization from the member and accessing and disclosing the "minimum necessary" amount of information to perform a task.