

Notice of TPO Exemption to HIPAA Privacy Requirements

You recently received a request to share a client's personal health information (PHI) with another health care entity. The request was initiated to support the following activities:

Treatment: The provision, coordination, or management of health care and related services by one or more health care providers, including:

- Coordination or management of health care by a provider with the third party;
- Consulting between health care providers relating to a patient or the referral of a patient for health care from one health care provider to another.

Payment: Any activities related to an individual to whom health care or payment for health care is provided, in order to obtain or provide reimbursement for providing health care, such as:

- Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, and related health care data processing;
- Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;
- Utilization-review activities, including pre-certification and pre-authorization of services, and concurrent and retrospective review of services.

Health Care Operations: Of a covered entity. These include:

- Conducting quality assessment and improvement activities;
- Population-based activities related to improving health or reducing health care costs that do not include treatment;
- Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;
- Business management and general administrative activities, such as managing HIPAA compliance, providing data analysis, and resolving client disputes relating to the quality of care or service eligibility.

HIPAA law (45 CFR Part 164, Subpart E - Privacy of Individually Identifiable Health Information) permits providers, insurance companies and other health-care entities to exchange information necessary for "treatment, payment or operations of health care business" (TPO). The complete definitions of TPO and full text of the regulations are available at www.hhs.gov/ocr/hipaa.

DHS is aware that there are other, more stringent laws regarding certain types of records related to mental health, addiction, HIV and genetics. Our handling of this type of information conforms to the provisions of those stricter laws. DHS will not ask you to give out these kinds of records unless it is authorized by the client and is allowed by the specific state or federal laws.

The information exchange we are requesting at this time falls within the scope of the TPO exemptions of HIPAA. Please respond to the other health care entity's request as soon as possible. If you would like more specific information about the TPO exemption, please contact the DHS Privacy Office at (503) 945-5780.