



HIPAA/HITECH

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Effective Date: 09/23/2009

Retired:

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Approved by: WAYNE J. RILEY, M.D., MPH, MBA, PRESIDENT AND CEO

Subject: Office of Corporate Compliance - Breaches of Unsecured Protected Health Information

SCOPE: This policy applies to Meharry Medical College (MMC), its participating physicians and clinicians, and all College employees and business associates, contractors, sub-contractors, who provide management, administrative, financial, legal and operational support to or on behalf of MMC.

PURPOSE: To provide for notification in the case of breaches of unsecured protected health information. For purposes of these requirements, set forth in section 13402(h) of the HITECH Act ("Act").

POLICY STATEMENT: MMC is required by law to protect the privacy of health information that may reveal the identity of a patient. If a breach of certain types of individually identifiable health information occurs, MMC is required to provide notification to certain individuals and entities pursuant to Subtitle D of the Health Information Technology for Economic and Clinical Health Act (HITECH), which is Title XIII of the American Recovery and Reinvestment Act of 2009 (ARRA) and any regulations promulgated there under.

Therefore, MMC, will implement reasonable and appropriate technologies and methodologies designed to secure protected health information from unauthorized disclosure.

MMC may also have additional reporting obligations under other federal laws and state breach notification laws. Those obligations are not addressed in this policy.

DEFINITIONS: The term "**breach**" means the acquisition, access, use or disclosure of protected health information in a manner not otherwise permitted under the HIPAA Privacy Rule which compromises the security or privacy of the protected health information.

The term "**protected health information**" (PHI) means any patient information, including very basic information such as their name or address, that (1) 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, and (2) either identifies the individual or could reasonably be used to identify the individual.

The term "**unsecured protected health information**" means PHI that is not