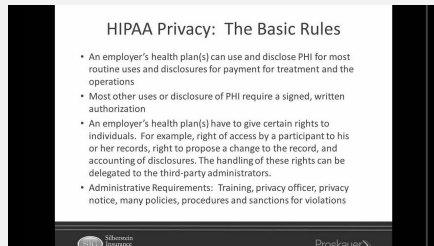


The Privacy Rule

The Privacy Rule, as well as all the Administrative Simplification rules, 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").

HIPAA Privacy Basics



Authorization

A covered entity must obtain the individual's written authorization for any use or disclosure of protected health information that is not for treatment, payment or health care operations or otherwise permitted or required by the Privacy Rule.⁴⁴ A covered entity may not condition treatment, payment, enrollment, or benefits eligibility on an individual granting an authorization, except in limited circumstances. An authorization must be written in specific terms. It may allow use and disclosure of protected health information by the covered entity seeking the authorization, or by a third party. Examples of disclosures that would require an individual's authorization include disclosures to a life insurer for coverage purposes, disclosures to an employer of the results of a pre-employment physical or lab test, or disclosures to a pharmaceutical firm for their own marketing purposes

Consent

The Privacy Rule permits, but does not require, a covered entity voluntarily to obtain patient consent for uses and disclosures of protected health information for treatment, payment, and health care operations. Covered entities that do so have complete discretion to design a process that best suits their needs.

Allowed with patient consent

Treatment	Payment	Health care Operations
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Direct treatment	QA and QI Population-based Training Planning Management Administrative Due diligence Resolution of grievances Statistical analyses Insurance related Accreditation Certification Licensing Credentialing Compliance Legal/auditing
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Allowed with patient authorization

Marketing use
Employment determinations
Psychotherapy notes for treatment, payment or health care operations

No consent or authorization needed

Fundraising
Facility directories
Indirect treatment
Inmates
Emergency treatment
If required by law
Public health activities
Reporting victims of abuse, neglect or violence to authorities
Health oversight activities