

<p style="text-align: center;"><b>The University of Texas SOUTHWESTERN MEDICAL CENTER At Dallas</b></p>	<p style="text-align: center;"><b>Privacy Compliance Program Privacy Manual</b> Section 7: Standard Protocols for Uses, Disclosures and Requests of PHI Policy No: 7.17 Last Revised: September 8, 2004 Effective Date: April 14, 2003</p>
<p><b>Health Oversight Activities</b></p>	

**POLICY:**

UT Southwestern may disclose PHI without prior written authorization for health oversight activities authorized by law in accordance with this standard protocol.

**PROCEDURE:**

1. Health Oversight Activities. UT Southwestern may disclose PHI without prior written authorization to a “Health Oversight Agency” for the following health oversight activities that are authorized by law:
  - a. audits;
  - b. civil, administrative or criminal investigations (e.g., health care fraud investigations);
  - c. inspections;
  - d. licensure or disciplinary actions;
  - e. civil, administrative or criminal proceedings or actions; or
  - f. other activities necessary for appropriate oversight of the health care system (including oversight of health care plans; health benefit plans; health care providers; health care and health care delivery; resolution of consumer complaints; pharmaceuticals, medical products and devices, and dietary supplements; analysis of trends in health care costs, quality, health care delivery, access to care, and health insurance coverage); government benefit programs for which health information is relevant to beneficiary eligibility; entities subject to government regulatory programs for which health information is necessary for determining compliance with program standards; or entities subject to civil rights laws for which health information is necessary for determining compliance.
  
2. Health Oversight Agency. “Health oversight agency” means an agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is authorized by law to oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance,

or to enforce civil rights laws for which health information is relevant. Health oversight agencies include, but are not limited to:

Texas Department of Insurance	Texas professional licensure agencies
Offices of Inspectors General	Department of Justice (“DOJ”)
Texas Health and Human Services Commission	Defense Criminal Investigative Services
Pension and Welfare Benefit Admin. (“PWBA”)	HHS Office for Civil Rights (“OCR”)
Food and Drug Admin. (“FDA”)	Social Security Admin. (“SSA”)
Department of Education (“DOE”)	Occupational Health and Safety Admin.
Environmental Protection Agency (“EPA”)	Equal Employment Opportunity Comm’n
Department of State Health Services	Drug Enforcement Admin. (“DEA”)
Texas Department of Human Services	Medicare Carriers and Intermediaries
Texas Health Care Information Council (“THCIC”)	

3. Initiation of Disclosures Permitted. UT Southwestern may also *initiate* a disclosure of PHI for a health oversight activity; an investigation or proceeding does not have to be ongoing. For example, UT Southwestern can disclose PHI in the course of reporting suspected health care fraud to a health oversight agency, even if the agency has not yet conducted an investigation of UT Southwestern.
4. Minimum Necessary Rule.
  - a. Generally. When disclosing PHI to a health oversight agency for health oversight activities, UT Southwestern Workforce shall use and disclose only the minimum PHI necessary to facilitate the health oversight activity. The amount of PHI that constitutes the minimum necessary shall depend upon the type of health oversight activity that is being undertaken. Generally, UT Southwestern will rely on the scope of the health oversight agency’s request or requirements in determining what is the minimum necessary PHI required for the particular purpose.
  - b. Exception. If the disclosure is required by law for a health oversight activity, the minimum necessary rule does not apply.
  - c. Entire Medical Record. There may be situations where disclosure of the entire medical record shall be necessary for health oversight activities, but these disclosures must have a documented justification.
5. Verification. UT Southwestern Workforce will obtain verification of the recipient at the health oversight agency for a disclosure for health oversight activities, in accordance with Section 6.5 of this Manual, which sets forth the policy and procedure for Verification For PHI Disclosures *<insert intranet link>*.

**LEGAL REFERENCES:**

45 C.F.R. §§ 164.501, 164.512(d) (2001)

65 Fed. Reg. 82462, 82476, 82491-92, 82528-29, 82530, 82544, 82547, 82610-11, 82671-74, 82719 (Dec. 28, 2000)

**RELATED POLICIES & PROCEDURES:**

*<insert intranet links to other departments’ policies and procedures>*