

# HIPAA NOTICE OF PRIVACY PRACTICES

University Vascular Surgery

Effective Date: April 14, 2003

THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION

PLEASE REVIEW IT CAREFULLY

If you have any questions about this notice, please contact Jim Meier, Business Manager at (317) 278-1018.

## WHO WILL FOLLOW THIS NOTICE:

- University Vascular Surgery

This notice describes our privacy practices. We are affiliated with and in some circumstances may operate under the policies and practices of:

- Clarian Health Partners
- Wishard Memorial Hospital

All these entities, sites, and locations follow the terms of this notice. In addition, these entities, sites, and locations may share health information with each other for treatment, payment, or health care operations purposes described in this notice.

## OUR PLEDGE REGARDING HEALTH INFORMATION:

We understand that health information about you and your health care is personal. We are committed to protecting health information about you. We create a record of the care and services you receive from us. We need this record to provide you with quality care and to comply with certain legal requirements. This notice applies to all of the records of your care generated by this health care practice, whether made by your personal doctor or others working in this office. This notice will tell you about the ways in which we may use and disclose health information about you. We also describe your rights to the health information we keep about you, and describe certain obligations we have regarding the use and disclosure of your health information.

We are required by law to:

- make sure that health information that identifies you is kept private;
- give you this notice of our legal duties and privacy practices with respect to health information about you; and
- follow the terms of the notice that is currently in effect.

## **HOW WE MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU.**

The following categories describe different ways that we use and disclose health information. For each category of uses or disclosures we will explain what we mean and try to give some examples. Not every use or disclosure in a category will be listed. However, all of the ways we are permitted to use and disclose information will fall within one of the categories.

**For Treatment.** We may use health information about you to provide you with health care treatment or services. We may disclose health information about you to doctors, nurses, technicians, health students, or other personnel who are involved in taking care of you. They may work at our offices, at the hospital if you are hospitalized under our supervision, or at another doctor's office, lab, pharmacy, or other health care provider to whom we may refer you for consultation, to take x-rays, to perform lab tests, to have prescriptions filled, or for other treatment purposes. For example, a doctor treating you for a broken leg may need to know if you have diabetes because diabetes may slow the healing process. In addition, the doctor may need to tell the dietitian at the hospital if you have diabetes so that we can arrange for appropriate meals. We may also disclose health information about you to an entity assisting in a disaster relief effort so that your family can be notified about your condition, status and location.

**For Payment:** We may use and disclose health information about you so that the treatment and services you receive from us may be billed to and payment collected from you, an insurance company, or a third party. For example, we may need to give your health plan information about your office visit so your health plan will pay us or reimburse you for the visit. We may also tell your health plan about a treatment you are going to receive to obtain prior approval or to determine whether your plan will cover the treatment.

**For Health Care Operations:** We may use and disclose health information about you for operations of our health care practice. These uses and disclosures are necessary to run our practice and make sure that all of our patients receive quality care. For example, we may use health information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine health information about many patients to decide what additional services we should offer, what services are not needed, whether certain new treatments are effective, or to compare how we are doing with others and to see where we can make improvements. We may remove information that identifies you from this set of health information so others may use it to study health care delivery without learning who our specific patients are.

**Appointment Reminders:** We may use and disclose health information to contact you as a reminder that you have an appointment. Please let us know if you do not wish to have us contact you concerning your appointment, or if you wish to have us use a different telephone number or address to contact you for this purpose.

**Fundraising Activities:** We may use health information about you to contact you in an effort to raise money for our not-for-profit operations. We may disclose health information to a foundation related to our practice so that the foundation may contact you in raising money for our practice. We only will release contact information, such as your name, address, and phone number and the dates you received treatment or services from us. Please let us know if you do not want us to contact you for such fundraising efforts.

**Research.** Under certain circumstances, we may use and disclose health information about you for research purposes. For example, a research project may involve comparing the health and recovery of all patients who received one medication to those who received another, for the same condition. All research projects, however, are subject to a special approval process. This process evaluates a proposed research project and its use of health information, trying to

balance the research needs with patients' need for privacy of their health information. Before we use or disclose health information for research, the project will have been approved through this research approval process; but we may disclose health information about you to people preparing to conduct a research project. For example, we may help potential researchers look for patients with specific health needs, so long as the health information they review does not leave our facility. We will almost always ask for your specific permission if the researcher will have access to your name, address, or other information that reveals who you are, or will be involved in your care.

**Organ and Tissue Donation.** If you are an organ donor, we may release health information to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.

**As Required By Law.** We will disclose health information about you when required to do so by federal, state, or local law.

**To Avert a Serious Threat to Health or Safety.** We may use and disclose health information about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.

**Military and Veterans.** If you are a member of the armed forces or separated/discharged from military services, we may release health information about you as required by military command authorities or the Department of Veterans Affairs as may be applicable. We may also release health information about foreign military personnel to the appropriate foreign military authorities.

**Workers' Compensation.** We may release health information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

**Public Health Risks.** We may disclose health information about you for public health activities. These activities generally include the following:

- to prevent or control disease, injury or disability;
- to report births and deaths;
- to report child abuse or neglect;
- to report reactions to medications or problems with products;
- to notify people of recalls of products they may be using;
- to notify person or organization required to receive information on FDA-regulated products;
- to notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition;
- to notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect, or domestic violence. We will only make this disclosure if you agree or when required or authorized by law.

**Health Oversight Activities.** We may disclose health information to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, and licensure. These activities are necessary for the government to

monitor the health care system, government programs, and compliance with civil rights laws.

**Lawsuits and Disputes.** If you are involved in a lawsuit or a dispute, we may disclose health information about you in response to a court or administrative order. We may also disclose health information about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.

**Law Enforcement.** We may release health information if asked to do so by a law enforcement official:

- in reporting certain injuries, as required by law, gunshot wounds, burns, injuries to perpetrators of crime;
- in response to a court order, subpoena, warrant, summons or similar process;
- to identify or locate a suspect, fugitive, material witness, or missing person:
  - Name and address
  - Date of birth or place of birth;
  - Social security number;
  - Blood type or rh factor;
  - Type of injury;
  - Date and time of treatment and/or death, if applicable; and
  - A description of distinguishing physical characteristics.
- about the victim of a crime, if the victim agrees to disclosure or under certain limited circumstances, we are unable to obtain the person's agreement;
- about a death we believe may be the result of criminal conduct;
- about criminal conduct at our facility; and
- in emergency circumstances to report a crime; the location of the crime or victims; or the identity, description, or location of the person who committed the crime.

**Coroners, Health Examiners and Funeral Directors.** We may release health information to a coroner or health examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also release health information about patients to funeral directors as necessary to carry out their duties.

**National Security and Intelligence Activities.** We may release health information about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

**Protective Services for the President and Others.** We may disclose health information about you to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or conduct special investigations.

**Inmates.** If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release health information about you to the correctional institution or law enforcement official. This release would be necessary (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) for the safety and security of the correctional institution.

## **YOUR RIGHTS REGARDING HEALTH INFORMATION ABOUT YOU.**

You have the following rights regarding health information we maintain about you:

**Right to Inspect and Copy:** You have the right to inspect and copy health information that may be used to make decisions about your care. Usually, this includes health and billing records.

To inspect and copy health information that may be used to make decisions about you, you must submit your request in writing to Jim Meier, Business Manager. If you request a copy of the information, we may charge a fee for the costs of copying, mailing or other supplies and services associated with your request.

We may deny your request to inspect and copy in certain very limited circumstances. If you are denied access to health information, you may request that the denial be reviewed. Another licensed health care professional chosen by our practice will review your request and the denial. The person conducting the review will not be the person who denied your request. We will comply with the outcome of the review.

**Right to Amend.** If you feel that health information we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as we keep the information. To request an amendment, your request must be made in writing, submitted to Jim Meier, Business Manager, and must be contained on one page of paper legibly handwritten or typed in at least 10 point font size. In addition, you must provide a reason that supports your request for an amendment.

We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

- was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
- is not part of the health information kept by or for our practice;
- is not part of the information which you would be permitted to inspect and copy; or
- is accurate and complete.

Any amendment we make to your health information will be disclosed to those with whom we disclose information as previously specified.

**Right to an Accounting of Disclosures.** You have the right to request a list accounting for any disclosures of your health information we have made, except for uses and disclosures for treatment, payment, and health care operations, as previously described.

To request this list of disclosures, you must submit your request in writing to Jim Meier, Business Manager. Your request must state a time period which may not be longer than six years and may not include dates before April 14, 2003. The first list you request within a 12 month period will be free. For additional lists, we may charge you for the costs of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred. We will mail you a list of disclosures in paper form within 30 days of your request, or notify you if we are unable to supply the list within that time period and by what date we can supply the list; but this date will not exceed a total of 60 days from the date you made the request.

**Right to Request Restrictions.** You have the right to request a restriction or limitation on the health information we use or disclose about you for treatment, payment, or health care operations. You also have the right to request a limit on the health information we disclose about you to someone who is involved in your care or the payment for your care, such as a

family member or friend. For example, you could ask that we restrict a specified nurse from use of your information, or that we not disclose information to your spouse about a surgery you had.

***We are not required to agree to your request for restrictions if it is not feasible for us to ensure our compliance or believe it will negatively impact the care we may provide you.*** If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment. To request a restriction, you must make your request in writing to Jim Meier, Business Manager. In your request, you must tell us what information you want to limit and to whom you want the limits to apply; for example, use of any information by a specified nurse, or disclosure of specified surgery to your spouse.

**Right to Request Confidential Communications.** You have the right to request that we communicate with you about health matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail to a post office box.

To request confidential communications, you must make your request in writing to Jim Meier, Business Manager. We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

**Right to a Paper Copy of This Notice.** You have the right to obtain a paper copy of this notice at any time. However, at the time of first service rendered after April 14, 2003, it is required that you receive a paper copy. To obtain a copy, please request it from Jim Meier, Business Manager.

You may also obtain a copy of this notice from our website, [www.iuvascular.com](http://www.iuvascular.com). Even if you have received a notice electronically, you still retain the right to receive a paper copy upon request.

## **CHANGES TO THIS NOTICE**

We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for health information we already have about you as well as any information we receive in the future. We will post a copy of the current notice in our facility. The notice will contain on the first page, in the top right-hand corner, the effective date. In addition, each time you register for treatment or health care services, we will offer you a copy of the current notice in effect.

## **COMPLAINTS**

If you believe your privacy rights have been violated, you may file a complaint with us or with the Secretary of the Department of Health and Human Services. To file a complaint with us, contact Jim Meier, Business Manager. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**

## **OTHER USES OF HEALTH INFORMATION.**

Other uses and disclosures of health information not covered by this notice or the laws that apply to us will be made only with your written permission. If you provide us permission to use or disclose health information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose health information about you for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the care that we provided to you.

## **Acknowledgement of Receipt of this Notice**

We will request that you sign a separate form or notice acknowledging you have received a

copy of this notice. If you choose, or are not able to sign, a staff member will sign their name, date. This acknowledgement will be filed with your records.

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**Acknowledgement of Receipt of Notice of Privacy Practices**

I, \_\_\_\_\_, have received the Notice of Privacy Practices from University Vascular Surgery.

X \_\_\_\_\_ **Date:** \_\_\_\_\_

In lieu of patient signature, I, \_\_\_\_\_, a staff member of University Vascular Surgery, state that \_\_\_\_\_ has been given our current Notice of Privacy Practices.

X \_\_\_\_\_ **Date:** \_\_\_\_\_

# State Law Information for Notice of Privacy Practices

## University Vascular Surgery

State: IN

Your state's laws regarding Protected Health Information must be considered along with the HIPAA Privacy Regulation when updating your organization's policies and procedures. We are providing the information below as a guide to what those other considerations may be. Consult your state's laws to make sure you are meeting all of the requirements.

### **Summary**

Indiana statutes have a great impact on the Notice of Privacy Practices. Though there are no provisions on the actual format of the NPP, there are many restrictions on non-consensual disclosures. Carefully read each state provision and our "Expected Impact" and then incorporate appropriate language into your policy. Seek outside counsel if anything is unclear.

### **General Issues of Concern**

According to the HIPAA Privacy Regulation, you are required to give a copy of a Notice of Privacy Practices to each patient at the first encounter after April 14, 2003. The state law may have additional provisions on content, presentation requirements, and may note some exceptions to the federal requirements.

We have not discovered any relevant state statutes for this section.

## Use and Disclosure of Protected Health Information

### **Use and Disclosure of Protected Health Information**

The following sections describe different portions of the Notice of Privacy Practices. The state law may or may not allow the same categories for access or they may add additional restrictions in disclosing information for the categories. For each category you need to take a careful look at the state statutes and change the category accordingly. This may require you to remove some categories, add more categories, or revise the explanation in the category.

### ***For Treatment***

According to the HIPAA Privacy Regulation, a healthcare provider may release PHI without patient authorization for the purpose of treatment. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

**Expected Impact [High]**

The federal regulation broadly allows uses and disclosures for treatment of the patient or any other individual. State law does not allow disclosures for treatment of another patient. Permitted state law disclosures for treatment appears to be more restrictive than disclosures allowed under the federal regulation.

NOTE: Some non-consensual disclosures for treatment are permitted under both state law and the federal regulation. However the state law does not allow disclosures for treatment of another patient. Follow the familiar state law standard for treatment disclosures.

**State Law Citation**

Indiana Code 16-39-5-1

**Highlight of State Provision**

State law does not prohibit a health care provider from obtaining a patient's health records from another provider without the patient's consent, if the health records are needed to provide health care services to the patient.

***For Payment***

According to the regulation, a healthcare provider may release PHI without patient authorization for the purpose of payment. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

**Expected Impact [Medium]**

The federal regulation allows disclosures for payment without authorization. The definition of payment in the federal regulation is expansive, but it may be comparable to the "legitimate business purposes" allowed under state law. Disclosures for payment are permitted without patient authorization under both the federal regulation and state law.

NOTE: Non-consensual disclosures for submission of claims to third party payors are permitted under both state law and the federal regulation. For other payment-related disclosures, state law may be more restrictive than the federal regulation. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c), (c)(1), (c)(2)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization, for legitimate business purposes including submission of claims for payment from third parties and collection of accounts.

***For Healthcare Operations***

According to the regulation, a healthcare provider may release PHI without patient authorization for the purpose of healthcare operations. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

**Expected Impact [High]**

The federal regulation allows disclosures without patient authorization for health care operations, an expansively broad category of activities. The state law authorization of non-consensual disclosures for legitimate business purposes may be comparable. Both the federal regulation and state law appears to allow disclosures for a broad range of business activities/healthcare operations.

NOTE: Some non-consensual disclosures for business activities/healthcare operations are permitted under both state law and the federal regulation. Most disclosures that were permissible for business purposes under state law before HIPAA are likely to qualify under the federal regulation. Check with other authorities if there are any doubts.

**State Law Citation**

Indiana Code 16-39-5-3(c)

Indiana Code 16-39-5-3(d)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes, litigation defense, quality assurance, and peer review. The identity of the patient can be disclosed, but only when disclosure is essential to the provider's business use or to quality assurance and peer review.

***Health-Related Services and Treatment Alternatives***

According to the regulation, a healthcare provider may disclose health information to tell the patient about health-related services or to recommend possible treatment options, as long as the patient has the right to accept or reject such a disclosure. State law may have a different provision for handling this situation.

***Marketing******Uses and Disclosures With Individual Involvement*****Expected Impact [Medium]**

The federal regulation allows some disclosures for marketing without patient authorization. It is not clear if the marketing disclosures allowed without patient authorization would qualify as a legitimate business purpose under state law. If state law would not allow the disclosures, then state law would be applicable.

NOTE: Some marketing disclosures are permitted without patient approval under federal regulation. We can't really tell if these disclosures qualify as legitimate business purpose under state law. Follow state law if the disclosures are not allowed. The safer course is to avoid marketing disclosures altogether, or unless a definitive authority says otherwise.

**State Law Citation**

Indiana Code 16-39-5-3(c)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes.

### ***Fundraising Activities***

According to the regulation, a healthcare provider may disclose health information to contact patients in an effort to raise money for not-for-profit operations as long as the patient has the right to accept or reject such a disclosure. State law may have a different provision for handling this situation.

#### **Expected Impact [Low]**

The federal regulation allows some disclosures for fundraising without patient authorization. It is not clear if the fundraising disclosures allowed without patient authorization would qualify as a legitimate business purpose under state law. If state law would not allow the disclosures, then state law would be applicable.

NOTE: Some disclosures for fundraising are permitted without patient approval under federal regulation. We can't really tell if these disclosures qualify as legitimate business purpose under state law. Follow state law if the disclosures are not allowed. The safer course is to avoid fundraising disclosures altogether, or unless a definitive authority says otherwise.

#### **State Law Citation**

Indiana Code 16-39-5-3(c)

#### **Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes.

### ***Research***

According to the regulation, under certain circumstances a healthcare provider may release PHI without patient consent for the purpose of research. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

#### **Expected Impact [Medium]**

The federal regulation allows research disclosures without patient authorization generally with the approval of an institutional review board or privacy board. State law restricts research disclosures to nonprofit medical research organizations or to providers. The federal regulation appears to be applicable with respect to disclosures for research. The state law requirement that the recipient protects the confidentiality of the record and may not disclose the patient's identity appears to be effective. The state law restriction on disclosures to nonprofit medical research organizations appears to be effective.

NOTE: Follow the state law restrictions limiting research disclosures to providers or nonprofit medical research organizations. Federal procedures

regulating research disclosures are applicable. The state law provision defining the responsibilities of recipients also applies.

**State Law Citation**

Indiana Code 16-39-5-3(c)(6)  
Indiana Code 16-39-5-3(c), (e)

**Highlight of State Provision**

A provider can disclose a health record to another provider or to a nonprofit medical research organization to be used in connection with a joint scientific, statistical, or educational project. Each person to whom a disclosure is made, should protect the confidentiality of the record and not disclose the patient's identity, unless authorized by law.

***Organ and Tissue Donation***

According to the regulation, a healthcare provider may release PHI without patient consent for the purpose of organ and tissue donation. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

**Expected Impact [Medium]**

The main state health record privacy statute does not address this category of disclosures. The disclosures allowed by the federal regulation may qualify as legitimate business purposes or be otherwise authorized by state law.

NOTE: We can't tell for sure if these disclosures qualify under the state law's legitimate business purpose. If a disclosure was consistent with state law before HIPAA, then the disclosure is probably still permissible. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes.

***As Required By Law***

The regulation allows you to disclose PHI when required by federal, state, or local law. State law may have additional provisions when releasing information for such a purpose.

**Expected Impact [Medium]**

The main state health record privacy statute does not address this category of disclosures. The disclosures allowed by the federal regulation may qualify as legitimate business purposes or be otherwise authorized by state law.

NOTE: We can't tell for sure if these disclosures qualify under the state law's legitimate business purpose. If a disclosure was consistent with state

law before HIPAA, then the disclosure is probably still permissible. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes.

***To Avert a Serious Threat to Health or Safety***

The regulation allows you to disclose PHI without patient consent for the purpose of health and safety. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

**Expected Impact [Medium]**

The main state health record privacy statute does not address this category of disclosures. The disclosures allowed by the federal regulation may qualify as legitimate business purposes or be otherwise authorized by state law.

NOTE: We can't tell for sure if these disclosures qualify under the state law's legitimate business purpose. If a disclosure was consistent with state law before HIPAA, then the disclosure is probably still permissible. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes.

***Military and Veterans***

The regulation allows you to disclose PHI without patient consent as required by military command authorities of the Department of Veterans Affairs. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

**Expected Impact [Medium]**

The main state health record privacy statute does not address this category of disclosures. The disclosures allowed by the federal regulation may qualify as legitimate business purposes or be otherwise authorized by state law.

NOTE: We can't tell for sure if these disclosures qualify under the state law's legitimate business purpose. If a disclosure was consistent with state law before HIPAA, then the disclosure is probably still permissible. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes.

***Worker's Compensation***

The regulation allows you to disclose PHI without patient consent for Worker's Compensation programs. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

We have not discovered any relevant state statutes for this section.

***Public Health Risks***

The regulation allows you to disclose PHI without patient consent for public health activities which are listed in this category. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

*Public Health Activities and Victims of Abuse, Neglect or Domestic Violence*

**Expected Impact [Medium]**

The main state health record privacy statute does not address this category of disclosures. The disclosures allowed by the federal regulation may qualify as legitimate business purposes or be otherwise authorized by state law.

NOTE: We can't tell for sure if these disclosures qualify under the state law's legitimate business purpose. If a disclosure was consistent with state law before HIPAA, then the disclosure is probably still permissible. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes.

***Health Oversight Activities***

The regulation allows you to disclose PHI without patient consent for certain health oversight activities. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

**Expected Impact [Medium]**

The main state health record privacy statute does not address this category of disclosures. The disclosures allowed by the federal regulation may qualify as legitimate business purposes or be otherwise authorized by state law.

NOTE: We can't tell for sure if these disclosures qualify under the state

law's legitimate business purpose. If a disclosure was consistent with state law before HIPAA, then the disclosure is probably still permissible. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes.

***Lawsuits and Disputes***

The regulation allows you to disclose PHI without patient consent for lawsuits and disputes. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

*Judicial and Administrative Proceedings*

**Expected Impact [Medium]**

The federal regulation allows disclosures for a wide range of judicial and administrative purposes, but notice to the patient and an opportunity to object is generally required. The patient notice procedures under the federal regulation appear to be applicable. It is not certain whether state law is more restrictive than the federal regulation with respect to disclosures for all judicial or administrative proceedings.

NOTE: Both the federal regulation and state law allow disclosures for judicial and administrative proceedings, but it is uncertain if the state law is more restrictive than the federal regulation. Follow the federal regulation's notice procedures when asked to disclose records in connection with judicial and administrative proceedings. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c)(3)

**Highlight of State Provision**

Health records are the property of the provider and may be used by the provider without authorization for the legitimate business purposes of litigation defense.

***Law Enforcement***

The regulation allows you to disclose PHI without patient consent for certain law enforcement issues. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

**Expected Impact [Medium]**

The main state health record privacy statute does not address this category of disclosures. The disclosures allowed by the federal regulation may qualify as legitimate business purposes or be otherwise authorized by state law.

NOTE: We can't tell for sure if these disclosures qualify under the state law's legitimate business purpose. If a disclosure was consistent with state law before HIPAA, then the disclosure is probably still permissible. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes.

***Coroners, Health Examiners and Funeral Directors***

The regulation allows you to disclose PHI without patient consent to coroners, health examiners and funeral directors. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

**Expected Impact [Medium]**

The main state health record privacy statute does not address this category of disclosures. The disclosures allowed by the federal regulation may qualify as legitimate business purposes or be otherwise authorized by state law.

NOTE: We can't tell for sure if these disclosures qualify under the state law's legitimate business purpose. If a disclosure was consistent with state law before HIPAA, then the disclosure is probably still permissible. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes.

***National Security and Intelligence Activities***

The regulation allows you to disclose PHI without patient consent for national security and intelligence activities. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

**Expected Impact [Medium]**

The main state health record privacy statute does not address this category of disclosures. The disclosures allowed by the federal regulation may qualify as legitimate business purposes or be otherwise authorized by state law.

NOTE: We can't tell for sure if these disclosures qualify under the state law's legitimate business purpose. If a disclosure was consistent with state law before HIPAA, then the disclosure is probably still permissible. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes.

***Protective Services for the President and Others***

The regulation allows you to disclose PHI without patient consent for protective services for the President and others. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

**Expected Impact [Medium]**

The main state health record privacy statute does not address this category of disclosures. The disclosures allowed by the federal regulation may qualify as legitimate business purposes or be otherwise authorized by state law.

NOTE: We can't tell for sure if these disclosures qualify under the state law's legitimate business purpose. If a disclosure was consistent with state law before HIPAA, then the disclosure is probably still permissible. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider without authorization for legitimate business purposes.

***Inmates***

The regulation allows you to disclose PHI without patient consent for inmates. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

***Correctional Institution*****Expected Impact [Medium]**

The main state health record privacy statute does not address this category of disclosures. The disclosures allowed by the federal regulation may qualify as legitimate business purposes or be otherwise authorized by state law.

NOTE: We can't tell for sure if these disclosures qualify under the state law's legitimate business purpose. If a disclosure was consistent with state law before HIPAA, then the disclosure is probably still permissible. Other authorities may have more definitive advice.

**State Law Citation**

Indiana Code 16-39-5-3(c)

**Highlight of State Provision**

Health records may be used (and presumably disclosed) by the provider

without authorization for legitimate business purposes.

## Patient Rights

### ***Right to Inspect and Copy***

The regulation allows patients to view their PHI except for psychotherapy notes. The state law may have special provisions for patients to access their records and may have specific impact on the management of psychotherapy notes.

#### *Psychotherapy Notes*

#### **Expected Impact [Medium]**

The federal regulation exempts all psychotherapy notes from patient access. State law allows withholding of mental health records only for good medical cause, where the physician determines that inspection or copying is detrimental to the physical or mental health of the patient, or likely to cause the patient to harm self or others.

NOTE: Follow the narrower state law and withhold psychotherapy notes only if the standard for harm is met.

#### **State Law Citation**

Indiana Code 16-39-2-4

#### **Highlight of State Provision**

A patient can inspect and copy mental health records. However, if the provider determines to the best of professional judgment, that the information requested is detrimental to the physical or mental health of the patient, or likely to cause the patient to harm self or another person, the provider may withhold the information from the patient.

#### *Access Procedure*

#### **Expected Impact [Low]**

The federal regulation allows providers to ask for a written request for access or for a copy. State law provides that a written request is required to trigger the provision for providing a copy. The federal regulation grants a right of access as well as a right to a copy. State law does not expressly require a provider to provide access, except to x-rays. A written request is consistent with both the federal regulation and state law.

NOTE: You can ask patients who want to inspect or have a copy of medical records to make a written request. Follow the federal regulation that allows a patient to inspect and to ask for a copy of the medical records.

#### **State Law Citation**

Indiana Code 16-39-1-1(c), (d)

Indiana Code 16-39-1-2

#### **Highlight of State Provision**

Upon written request and reasonable notice, a provider should furnish a copy

of the patient's health records used in assessing the patient's and/or the pertinent part of the record relating to a specific condition, as requested by the patient. Upon written request and reasonable notice, a provider should also provide the patient access to or a copy of the patient's x-ray film, at no cost to the patient.

***Right to Amend***

The regulation allows patients to amend their PHI. There are however, certain exceptions. The state law may have special provisions for patients to amend their records and may or may not have the same exceptions.

We have not discovered any relevant state statutes for this section.

***Right to an Accounting of Disclosures***

The regulation allows patients to request an accounting of disclosures of their PHI. The state law may have special provisions for patients to access this.

We have not discovered any relevant state statutes for this section.

***Right to Request Restrictions***

The regulation allows patients to request restrictions on their PHI. The state law may have special provisions for this issue.

We have not discovered any relevant state statutes for this section.

***Right to Request Confidential Communications***

The regulation allows patients to request confidential communications of their PHI. The state law may have special provisions for this issue.

We have not discovered any relevant state statutes for this section.

## Other Uses of Health Information

### **Revocation**

According to the regulation, any other disclosures of PHI not covered by this notice require patient authorization. Also, a patient may revoke an authorization at any time. The state law may have special provisions for when patients may revoke an authorization.

### *Psychotherapy Notes*

### **Expected Impact [Medium]**

The federal regulation has a comparable requirement.

NOTE: There is no conflict between state law and the federal regulation regarding revocation.

### **State Law Citation**

Indiana Code 16-39-1-4(8)

### **Highlight of State Provision**

A written consent by a patient for release of a health record must include a statement that the consent is subject to revocation at any time, except to the extent that action has been taken in reliance on the consent.