



**TITLE: ACCESS TO HARRIS COUNTY HOSPITAL DISTRICT
INFORMATION**

PURPOSE: To ensure that access to Harris County Hospital District (HCHD) information, whether maintained in a paper or electronic format, is properly requested, approved and managed. To identify both the individual(s) who is authorized to approve requests for access and those who may approve granting access. This is a new policy.

POLICY STATEMENT: HCHD will provide access to its information as permitted or required by law and required for the purposes of treatment, payment, healthcare operations or other necessary business activities and functions.

POLICY ELABORATION:

I. Definitions

- A. **Access** means the right to make use of patient information.
- B. **Business Associate (BA)** is a person or entity that provides certain functions, activities, or services for or to a Covered Entity involving the use and/or disclosure of Protected Health Information (e.g., claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, billing, benefit management, repricing, legal services, actuarial services, accounting services, consulting services, data aggregation services, management services, administrative services, accreditation services, and financial services, etc.).
- C. **Electronic Protected Health Information (ePHI)** means protected health information that is created, received, maintained or transmitted by electronic means.
- D. **Information Owner** means the person who has management responsibility for controlling the use and disposition of an application, record or database resource. The owner is, in many cases, external to Information Services.



- E. **Organized Health Care Arrangement (OHCA)** means:
- 1) A clinically integrated care setting in which individuals typically receive health care from more than one health care provider;
 - 2) An organized system of health care in which more than one covered entity participates, and in which the participating covered entities:
 - a) Hold themselves out to the public as participating in a joint arrangement; and
 - b) Participate in joint activities that include at least one of the following:
 - i. Utilization review, in which health care decisions by participating covered entities are reviewed by other participating covered entities or by a third party on their behalf;
 - ii. Quality assessment and improvement activities, in which treatment provided by participating covered entities is assessed by other participating covered entities or by a third party on their behalf; or
 - iii. Payment activities, if the financial risk for delivering health care is shared, in part or in whole, by participating covered entities through the joint arrangement and if protected health information created or received by a covered entity is reviewed by other participating covered entities or by a third party on their behalf for the purpose of administering the sharing of financial risk.
- * *(The complete definition of OHCA may be found in the HCHD's HIPAA Glossary).*
- F. **Protected health information (PHI)** is individually identifiable patient health information in any form, including demographic information, that is created or received by a healthcare provider, and relates to the patient's healthcare condition, provision of healthcare, or payment for the provision of healthcare.



II. General Rules for Access

All access to information should be based on the roles and responsibilities of a particular position, whether a workforce member of HCHD, an OHCA participant or business associate. Each workforce member should have the assigned responsibilities and tasks related to the information, for which access is requested, documented in his/her job description, job addendum or other descriptive documentation.

III. Non Protected Health Information, Paper and Electronic

HCHD maintains information, regarding its employees, finances, operations and business relationships in both a paper and electronic format. HCHD will provide access to information to a workforce member (of HCHD, an OHCA participant or BA of either) or other authorized individuals who require access to HCHD's information to perform his/her job responsibilities.

IV. Protected Health Information, Paper and Electronic

HCHD's patient information is maintained both a paper and an electronic format. HCHD will provide access to necessary patient information to a workforce member (of HCHD, OHCA, or BA of either) who requires access to HCHD patient information to perform his/her job responsibilities. If the task is for purposes other than treatment, the minimum necessary standard must be applied before any use or disclosure occurs.

HCHD participates in an Organized Health Care Arrangement. The participants of HCHD's OHCA include Baylor College of Medicine, Craven and Plummer, Lepow and Associates and UT Health Sciences Center at Houston.

V. Special Circumstances Requiring Access to PHI

There are special circumstances where access, to patient information, may be granted to individuals of designated governmental entities for purposes relating to certain "health oversight activities", "public health activities", "national security and intelligence activities", "protective services for the President and others" and "for treatment, payment and healthcare operations" to health oversight agencies or public health authorities. Requests for access under these are to be handled as follows:

- A. Health Oversight Activities – These requests should be referred to HIM or IT Security and the Office of Privacy Administration (OPA) notified.



- B. Public Health Activities – These requests should be submitted to (Health Information Management/Infectious Disease Department) for approval and monitoring.
 - C. National Security and Intelligence Activities – These requests should be referred to HIM or IT Security and OPA must be notified. These disclosures are not subject to the Accounting for Disclosures requirement.
 - D. Protective Services for the President and others – These requests should be referred to HIM or IT Security and OPA must be notified.
 - E. For “treatment, payment or health care operations” to health oversight agencies or public health authorities providing treatment – These requests should be referred to HIM or IT Security and the Office of Privacy Administration (OPA) notified.
- ** If there are any questions regarding the handling of these requests contact OPA immediately.

VI. Requesting and Approval Process for Access

- A. Paper
 - 1) The workforce member or his/her supervisor must submit a request for access, identifying the record(s) or record type(s) to the Department Director for approval.
 - 2) If the workforce member requesting access is a Department Director or above then either the Administrative Director, Associate Administrator or Administrator must approve the request.
 - 3) The approved request is submitted to the information owner for review and determination.
- B. Electronic
 - 1) The workforce member or his/her supervisor must submit a request for access, identifying the software application or data repository to the Department Director.
 - 2) If the workforce member requesting access is a Department Director or above then either the Administrative Director,



Associate Administrator or Administrator must approve the request.

- 3) The approved request is submitted to the information owner for review and determination.

VII. Positions Authorized to Approve Requests

The hierarchy for individual authorized to approve requests for each type of entity are specified below.

- A. HCHD Workforce Member
 - 1) Department Director, or
 - 2) In the absence of the Department Director, the Administrative Director, Associate Administrator or Administrator who is the next direct-report up the business line (e.g., Finance, IT, CHP, District Services...) or the individual designated to act on his/her behalf.

- B. OHCA Participant Workforce Members
 - 1) HCHD Supervised – (individuals assigned to HCHD and working under the direct supervision of HCHD staff.
 - a) Department Director, or
 - b) In the absence of the Department Director, the Administrative Director, Associate Administrator or Administrator who is the next direct-report up the business line (e.g., Finance, IT, CHP, District Services...) or the individual designated to act on his/her behalf.

 - 2) OHCA Supervised – (individuals assigned to HCHD and working under the direct supervision of the OHCA staff).
 - a) Pavilion Chief of Service, CHP Medical Director, or Chief of Staff,
 - b) If the requestor is a Chief of Staff or the OHCA's senior individual the request shall be forwarded to the affiliated Administrator (BTGH, LBJ or CHP)



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- c) In the absence of the affiliated Administrator or Associate Administrator, the individual designated to act on his/her behalf.
- C. Business Associate Workforce Member
- 1) HCHD Supervised – (individuals assigned to HCHD and working under the direct supervision of HCHD staff).
 - a) The Department Director responsible for the contract, or
 - b) In the absence of the Department Director, the Administrative Director, Associate Administrator or Administrator who is the next direct-report up the business line (e.g., Finance, IT, CHP, District Services...) or the individual designated to act on his/her behalf.
 - c) A designee appointed by the Administrator for the respective business line.
 - 2) OHCA Supervised – (individuals assigned to HCHD and working under the direct supervision of the OHCA staff).
 - a) Pavilion Chief of Service, CHP Medical Director, or Chief of Staff,
 - b) If the requestor is a Chief of Staff or the OHCA's senior individual the request shall be forwarded to the affiliated Administrator (BTGH, LBJ or CHP).
 - c) In the absence of the affiliated Administrator or Associate Administrator, the individual designated to act on his/her behalf.
 - 3) Business Associate (BA) Supervised – (individuals assigned to HCHD and working under the direct supervision of the BA staff).
 - a) The HCHD department head responsible for the contract for services performed by the BA, or
 - b) In the absence of the Department Director, the Administrative Director, Associate Administrator or Administrator who is the next direct-report up the business



- line (e.g., Finance, IT, CHP, District Services...) or the individual designated to act on his/her behalf, or
- c) A designee appointed by the Administrator for the respective business line.
- D. If the both the Associate Administrator or Administrator are absent or unavailable the request may be approved by either the HCHD Chief Operating Officer (HCHD Associate Administrator), or the HCHD President/Chief Executive Officer (HCHD Administrator).
- E. The HCHD Board of Managers or the President/CEO may authorize an individual or entity access to HCHD information to perform necessary activities permitted or required by law.

VIII. Authority to Approve Granting Access

The authority to approve granting access to HCHD information shall reside in the "information owner." Each Administrator may designate the information owner(s) for information repositories (electronic and paper) in his/her business unit. The IT Security department shall maintain a current list of the information owners of electronically stored information.

IX. Documentation Requirements

The Department Director, Administrative Director, Associate Administrator or Administrator is responsible for ensuring that the job responsibilities for the access requested are included in the employee's job description, job addendum or other descriptive documentation used to detail the tasks and responsibilities of a particular position or role. This documentation requirement for HCHD, its Business Associates and the OHCA participants' workforce members is subject to review upon request.

X. Provisions regarding Subcontracted Business Associates

- A. HCHD reserves the right to determine on an individual basis, granting access to a business associate of either an HCHD business associate or a business associate of OHCA participant.
- B. HCHD may require OHCA or Business Associates to submit a written confirmation of subcontracted Business Associates.



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REFERENCES/BIBLIOGRAPHY:

- 45 CFR§164.506 Uses and disclosures to carry out treatment, payment or health care operations
- 45 CFR§164.512(k)(2-3) Uses and disclosures for which an authorization or opportunity to agree or object is not required
- 45 CFR§164.530(c) Safeguards
- TX HSC 241.153(9) Disclosure Without Written Authorization
- HCHD Policy 3.16 Leadership Organization For The Provision Of Patient Care And Administration Of The Harris County Hospital District
- HCHD HIPAA Policy 3.11.302 Minimum Necessary Standard for Use and Disclosure of Protected Health Information

OFFICE OF PRIMARY RESPONSIBILITY:

The Office of Privacy Administration

REVISION HISTORY:

Effective Date	Version	Approved by: