

Bethany Life Communities	Date Written: 2-24-2003	Date Revised: 5-1-2009, 8-12-2009
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Policy Statement

Except when an authorization is required by law, Bethany Life Communities may, without a resident’s authorization, use or disclose protected health information (PHI) for treatment, payment, or health care operations. Bethany Life Communities may obtain a written consent from a resident, or the resident’s legal representative, prior to using or disclosing protected health information when use or disclosure is permitted by law without an authorization, for treatment, payment or health care operations.

Policy Interpretation and Implementation

1. “Protected health information” (PHI) means any individually identifiable information, whether oral or recorded in any form or medium, that is created, received, used, or disclosed by Bethany Life Communities and relates to the past, present, or future physical or mental health or condition of a resident, provision of health care to a resident, or the past, present or future payment for health care provided to a resident.
2. “Treatment, payment and health care operations” (TPO) includes all of the following:
 - a. “Treatment” means the provision, coordination, or management of health care and related services among health care providers or by a health care provider and a third party (such as an involved family member, when the resident does not object); consultation between health care providers regarding a resident; or the referral of a resident from one health care provider to another.
 - b. “Payment” means activities undertaken to obtain or provide reimbursement for provision of health care, including, but not limited to, determinations of eligibility or coverage, billing, collection activities, medical necessity determinations and utilization review.
 - c. “Health care operations” means, but is not limited to, the following activities: conducting quality assessment and improvement activities; reviewing the competence or qualifications of health care professionals; conducting or arranging for medical review, legal services, and auditing functions; business planning and development; and general business and administrative activities.
3. Except when an authorization is required by law, Bethany Life Communities may, without a resident's authorization, use or disclose PHI for its own treatment activities or the treatment activities of another health care provider. For example, Bethany Life Communities may use PHI about a resident to provide health care to the resident and may consult or coordinate with other health care providers about the resident's treatment.
4. Except when an authorization is required by law, Bethany Life Communities may, without a resident's authorization, use or disclose PHI for its own payment

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activities or the payment activities of another covered entity or health care provider receiving the information. For example, Bethany Life Communities may disclose PHI about a resident as a part of a claim for payment to a health plan.

5. Except when an authorization is required by law, Bethany Life Communities may, without a resident's authorization, use PHI for certain of its own health care operations activities. For example, Bethany Life Communities may use a resident's PHI to evaluate and improve the performance of its staff.
6. Except when an authorization is required by law, Bethany Life Communities may, without a resident's authorization, disclose the resident's PHI for certain health care operations activities of another covered entity receiving the information, provided that the covered entity either has or had a relationship with the resident and the PHI pertains to the relationship, and the disclosure is for a quality-related health care operation activity or for the purpose of health care fraud and abuse detection or compliance. For example, Bethany Life Communities may disclose a resident's PHI to a Medicare fiscal intermediary as a part of the intermediary's medical review activities.
7. Bethany Life Communities shall develop policies and procedures that reasonably limit its disclosures of, and requests for, PHI for payment and health care operations to the minimum necessary. Bethany Life Communities shall also develop role-based access policies and procedures that limit which members of its workforce may have access to PHI for treatment, payment, or health care operations, based on those who need access to the information to carry out their job responsibilities. The minimum necessary rule does not apply to disclosures to or requests by a health care provider for treatment purposes.
8. Bethany Life Communities will respect a resident's right to request restrictions on how Bethany Life Communities uses and discloses PHI about them for treatment, payment and health care operations. Bethany Life Communities is not required to agree to a resident's request for restriction, but is bound by any restriction to which it agrees, except when use or disclosure of restricted information is needed to provide emergency treatment.
9. Bethany Life Communities may obtain a resident's prior written consent for use and disclosure of the resident's PHI when use and disclosure is permitted by law without a written authorization for treatment, payment and health care operations. A written consent is not a valid permission to use and disclose PHI that requires a written authorization. Bethany Life Communities may, at its discretion, design a consent process that works best for its business and consumers, including requiring a resident to provide written consent as a condition of treatment. Bethany Life Communities shall obtain the written consent of a resident, or the resident's legal representative, prior to disclosing the resident's mental health information to a third-party payor or peer review organization, as required by Iowa law. See Bethany Life Communities' Consent to Use and Disclose Protected Health Information for Treatment, Payment and Health Care Operations policy.