

EXHIBIT A
Multnomah County HIPAA Privacy Policies
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Multnomah County HIPAA Privacy Policies Introduction

Multnomah County is a "hybrid covered entity" under the federal Health Insurance Portability and Accountability Act (HIPAA). The following policies are designed to assure the rights of individuals and to fulfill Multnomah County's privacy obligations under HIPAA.

Policies

1. Notice of Privacy Practices 45 CFR 164.520

Multnomah County recognizes an individual's right to receive adequate notice of the uses and disclosures of the individual's protected health information that may be made by Multnomah County and of the individual's rights and Multnomah County's legal duties with respect to protected health information. Each covered component within the hybrid covered entity will distribute a Notice of Privacy Practices approved by the County Privacy Officer. Covered components that have a direct treatment relationship with an individual will provide the Notice of Privacy Practices to the individual on the first date of service and make a good faith effort to have an individual acknowledge the Notice of Privacy Practices. In an emergency treatment situation, the Notice of Privacy Practices will be provided as soon as reasonably practical to do so after the emergency has ended. Covered components that have public access to areas where covered component services are provided will post the Notice of Privacy Practices in a clear and prominent location and make copies available to individuals who wish to take one. Separate covered entity health plans will provide the Notice of Privacy Practices upon enrollment and then as required by HIPAA thereafter. Additionally, the Notice of Privacy Practices will be posted on the Multnomah County public website. Material changes to a Notice of Privacy Practices will be made by the County Privacy Officer and distributed to covered components and health plans for implementation.

2. Review and Resolution of Privacy Complaints 45 CFR 164.530(d)

Each Multnomah County covered component will provide a process for individuals to make privacy complaints concerning Multnomah County's compliance with HIPAA. Each Multnomah County covered component will investigate all privacy complaints received and promptly report them to the County Privacy Officer.

3. Individual's Right to Access Protected Health Information 45 CFR 164.524

Multnomah County recognizes the right of an individual to have access to (i.e. inspect and obtain a copy of) his or her protected health information which is maintained in the Designated Record Set, as defined under HIPAA for as long as the protected health information is maintained in the Designated Record Set. An individual will have a right to access protected health information in the Designated Record Set with the following exceptions:

- Psychotherapy notes
- Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding
- information that is subject to or specifically exempt from the Clinical Laboratory Improvements Amendment (CLIA), and such information is not accessible to the individual under CLIA
- other limitations under federal or state law, such as the disclosure would violate the federal Privacy Act
- information created or obtained in the course of research, and the individual agreed to the denial of access
- information involves ongoing research, and the individual agreed to the denial or access while research was in progress

- the information was obtained by someone other than the health care provider under a promise of confidentiality, and access would be reasonably likely to reveal the source of the information

Multnomah County may deny access to individuals under additional certain circumstances detailed in the Multnomah County covered component's procedures for this policy and HIPAA.

Copies of records may be provided to an individual or a third party that the individual identifies in an electronic or paper format depending on the individual's request and the technology in which the records are maintained.

Multnomah County's obligation to provide access extends to protected health information of its business associates.

4. Individual's Right to Request Amendment of Protected Health Information 45 CFR 164.526

Multnomah County recognizes the right of an individual to request that Multnomah County amend or correct protected health information about an individual maintained in its Designated Record Set if the PHI is inaccurate or incomplete for as long as the protected health information is maintained in the Designated Record Set. Multnomah County will evaluate such requests in accordance with the Multnomah County covered component's procedures for this policy.

5. Individual's Right to Request Alternative Communication Means or Locations 45 CFR 164.522(b)

Multnomah County will accommodate any reasonable request by an individual to receive communications of his or her protected health information from Multnomah County by alternative means or at alternative locations. Multnomah County will evaluate such requests in accordance with the Multnomah County covered component's procedures for this policy. Covered entity health plans may require that the request contain a statement that disclosure of all or part of the information to which the request pertains may endanger the individual.

6. Individual's Right to Request Restrictions on Uses and Disclosures 45 CFR 164.522(a)

Multnomah County recognizes the right of an individual to request that Multnomah County restrict uses or disclosures of the individual's protected health information to carry out treatment, payment or health care operations. Multnomah County is not required to agree to such a restriction except in one circumstance. Individuals may request that their protected health information not be shared with a health plan when the individual or someone on the individual's behalf pays for the individual's service in full and the use or disclosure is for payment or health care operations and not otherwise required by law. Multnomah County will evaluate such requests in accordance with the Multnomah County covered component's procedures for this policy.

7. Disclosing Information to Persons Involved In Individual's Care or Payment for Care and Individual's Right to Restrict Disclosures 45 CFR 164.510(b)

Multnomah County may under certain circumstances disclose protected health information to an individual's family member, other relative, close personal friend, or any other person involved with the individual's care or payment of the care if the individual agrees to the disclosure or fails to object to the disclosure (after being given an opportunity to do so) or if Multnomah County reasonably infers from the circumstances that the individual does not object. Unless the individual had previously requested a restriction on disclosures or unless other legal restrictions apply, if the individual is not present (or if the opportunity to agree or object cannot be provided because of incapacity or emergency circumstances), protected health information may be disclosed if the disclosure is in the individual's best interest and if the protected health information disclosed to that which is directly relevant to the other person's involvement with the individual's

health care. Multnomah County may disclose protected health information to notify or assist in the notification of the individual's family member, personal representative or other person responsible for the individual's care of the individual's location, general condition or death unless the individual has requested a restriction on such disclosures. Multnomah County may disclose protected health information to organizations involved in disaster relief efforts, for the purpose of coordinating with such organizations disclosures of the individual's location, general condition or death to the individual's family member, personal representative or other person responsible for the individual's care unless the individual has requested a restriction on such disclosures.

8. Individual's Right to an Accounting of Disclosures of Protected Health Information 45 CFR 164.528

Upon the request of the individual or the individual's personal representative, Multnomah County will provide an accounting of those disclosures of protected health information required by HIPAA. All covered components will develop procedures covering documentation of disclosures of PHI. The accounting will not include disclosures made for treatment, payment, or health care operations, disclosures made to the individual or persons involved in the individual's care or payment for care. It also will not include disclosures made prior to six years before the date of the request, pursuant to an authorization, as part of a limited data set, to a correctional facility, incidental disclosures, disclosures made for national security or intelligence, or disclosures made prior to April 14, 2003.

9. Confidentiality/Privacy of Protected Health Information 45 CFR 164.502

Multnomah County, its workforce members, and business associates will respect and protect the confidentiality and privacy of protected health information in accordance with HIPAA or other applicable laws. All individually identifiable health information in any form may only be used or disclosed as permitted or required under HIPAA or other applicable law. This includes written, electronic and oral communications.

County workforce members and business associates must verify the identity and authority of any recipient of protected health information before disclosure in accordance with the Multnomah County covered component's procedures for this policy.

10. Uses and Disclosures of Protected Health Information Without the Individual's Authorization 45 CFR 164.506 and 45 CFR 164.512

Multnomah County may use and disclose protected health information without the individual's authorization if permitted or required under the HIPAA Privacy Rule, Oregon law, or other federal laws as detailed in the Multnomah County covered component's procedures for this policy. Disclosures permissible under HIPAA without authorization include those for the purpose of treatment, payment, or health care operations.

11. Authorization for Uses and Disclosures of Protected Health Information 45 CFR 164.508

If a written authorization is required for a use or disclosure under federal or state law, each covered component will use a written authorization form containing the elements specified under federal or state law. A single authorization form may be used if it contains the elements of all applicable state and federal laws. Authorizations that otherwise contain all elements required by HIPAA or other applicable federal or state law will be accepted.

Genetic information cannot be used or disclosed for underwriting purposes by any covered entity health plan.

Multnomah County must obtain and authorization for any sale of protected health information. Such authorization must state that the disclosure will result in remuneration to Multnomah County.

12. Minimum Necessary 45 CFR 164.502(b) and 164.514(d)

Multnomah County, when using, disclosing or requesting protected health information, will make reasonable efforts to limit the protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure or request with the following exceptions:

- Disclosures to or requests by a health care provider for treatment
- Disclosures made to the individual about his or her own protected health information
- Uses or disclosures made pursuant to a HIPAA-compliant authorization
- Disclosures made to the Secretary of U.S. Department of Health and Human Services in accordance with the HIPAA Privacy Rule
- Uses or disclosures required by law (e.g.- reporting of neglect, abuse or domestic violence)
- Uses or disclosures required to comply with HIPAA

Covered components may rely on the minimum necessary determination made by the following entities in responding to a request for protected health information:

- Public official with authority to receive the information, such as worker's compensation agency or Health Oversight Agency
- Another covered entity
- A health care professional for treatment purposes
- A researcher with proper authorization

13. Safeguarding of Protected Health Information 45 CFR 164.530(c) and 45 CFR 164.502(a)(1)(iii)

Multnomah County will safeguard protected health information to prevent unauthorized uses or disclosures. In addition, Multnomah County will limit incidental uses or disclosures. An incidental use or disclosure is a secondary use or disclosure that cannot reasonably be prevented, is limited in nature, and occurs as a by-product of an otherwise permitted use or disclosure. Each member of Multnomah County's workforce will use due care in limiting incidental disclosures as much as is reasonably practicable and will use caution and professional judgment when handling or using protected health information. Multnomah County covered components will evaluate safeguards of its own area and implement procedures to address these requirements.

14. Training of Workforce with Respect to Protected Health Information 45 CFR 164.530(b)

Multnomah County will train employees and other members of its workforce concerning Multnomah County's policies and procedures regarding the privacy of protected health information, as necessary and appropriate for the workforce member to carry out his or her specific job functions.

15. Mitigation of Improper Disclosures 45 CFR 164.530(f)

Multnomah County will mitigate, to the extent practicable, any harmful effect that is known by Multnomah County to have occurred as a result of a use or disclosure of protected health information in violation of the requirement of the HIPAA Privacy Rule or Multnomah County's policies and procedures by either Multnomah County or its business associates.

16. Designated Record Set 45 CFR 164.501

Each covered component of Multnomah County will retain the Designated Record Set for the covered component. The Designated Record Set will include the following when used by the covered component:

- The medical records and billing records about individuals maintained by or for a covered health care provider
- The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan
- Records used, in whole or in part, by or for the covered component to make decisions about individuals

A “record” is any item, collection, or grouping of information that includes protected health information and is maintained, collected, used or disseminated by or for a covered entity. A “decision” includes non-health care decisions about the individual.

17. Disclosures of De-Identified Information 45 CFR 164.514

Multnomah County may use or disclose de-identified information without obtaining an individual's authorization. However, Multnomah County will not use or disclose de-identified information about genetic testing unless Multnomah County notified the individual when the genetic test information was obtained of the individual's right to object to the use or disclosure of de-identified genetic test information, or unless the disclosure is otherwise authorized by law.

De-identified information is health information that does not identify an individual and with which there is no reasonable basis to believe that the information can be used to identify an individual. De-identified information is not PHI. Health information will be considered de-identified only if one of the two de-identification procedures in 45 CFR 164.514(b) are followed.

18. Retention of Protected Health Information 45 CFR 164.524(e) and 45 CFR 164.530(j)

Multnomah County will retain records containing protected health information in compliance with federal and state laws and Multnomah County retention schedules. Records included in the Designated Record Set are maintained for a minimum of six (6) years.

19. Privacy Officer and Privacy Official 45 CFR 164.530(a)

Multnomah County will appoint or designate a Privacy Officer for the County that has the final authority for HIPAA compliance of the Hybrid Covered Entity. The County Privacy Officer shall work with each covered component to develop, implement, maintain and revise procedures based upon the County's HIPAA policies and administrative procedures. The County Privacy Officer will work closely with covered component privacy officials and privacy coordinators, facilitating a regular Privacy Oversight Committee meeting. The Privacy Officer is authorized to have direct access or communication with department directors and the County Chief Operating Officer.

20. Business Associate Agreements 45 CFR 164.502(e), 164.504(e), 164.532(d) and (e)

Each Multnomah County covered component will include HIPAA business associate requirements in all contracts with third parties that create, receive, maintain or transmit protected health information on behalf of Multnomah County or to provide a service to Multnomah County. Direct pay vendors who are business associates will be required to execute written business associate agreements. Disclosures of protected health information to business associates must be within the scope of services provided to Multnomah County.

21. Policies and Procedures Requirements 45 CFR 164.530(i)

Multnomah County will implement policies and procedures for the purpose of HIPAA compliance. Each Multnomah County covered components, in collaboration with the County Privacy Officer, will be responsible for implementing procedures that are reasonably designed to address the scope and type of activities undertaken by that covered component. Countywide administrative procedures will be adopted by the Board of County Commissioners and maintained by the Clerk

of the Board. Covered component procedures will be made available to the Multnomah County Privacy Officer and posted on an intranet site available to all County employees. Each covered component privacy official or privacy coordinator will maintain a complete set of the covered component procedures. Policies and procedures pertaining to HIPAA compliance will be retained by the covered component privacy official or privacy coordinator in compliance with established county records retention schedules. Each covered component must also review its current HIPAA policies/procedures at least once every 2 years and make changes as necessary to ensure compliance with HIPAA requirements. County and covered component policies and procedures must be updated as necessary to comply with changes in the law.

**22. Transition Provisions/Effect of Authorizations Obtained Prior to 4/14/03
45 CFR 154.532**

Multnomah County may use a release, consent or authorization to use or disclose protected health information signed prior to April 14, 2003 for protected health information received prior to April 14, 2003. For protected health information received or created after April 14, 2003, an authorization meeting HIPAA requirements is necessary. If an individual's protected health information is being lawfully used or disclosed for research purposes prior to April 14, 2003, a new authorization is not required to complete the research after April 14, 2003. An individual's protected health information is considered lawfully used or disclosed if the individual has expressly authorized or consented to its use or has given informed consent to participate in the research, or if an institutional review board has waived the informed consent requirements. All research initiated after April 14, 2003 must comply with HIPAA research requirements.

23. Uses and Disclosures of Psychotherapy Notes 45 CFR 164.508(a) and 164.524(a)

Multnomah County maintains the confidentiality of an individual's psychotherapy notes in accordance with HIPAA and state law. Multnomah County will not use or disclose psychotherapy notes without obtaining the individual's authorization or as described in the Multnomah County covered component's procedures. Multnomah County may limit an individual's access to psychotherapy notes as permitted under HIPAA or state law.

**24. Uses and Disclosures of Protected Health Information Created for Research
45 CFR 164.512(i)**

Multnomah County may use or disclose limited protected health information for research to the extent allowed by HIPAA and state law. Multnomah County shall obtain the individual's authorization for use or disclosure of protected health information for research purposes or obtain a waiver of the authorization requirements from an Institutional Review Board or Privacy Board, including a Privacy Board chaired by the County Privacy Officer, after deliberation and consideration of criteria.

25. Limited Data Set 45 CFR 164.514(e)

Multnomah County may use or disclose a limited data set only for research, public health or health care operations purposes. Multnomah County must enter into a data use agreement with the limited data set recipient. A limited data set is protected health information that excludes the following direct identifiers of the individual or of relatives, employers, or household members of the individual:

- Names
- Postal address information, other than town or city, state, and zip code
- Telephone numbers
- Fax numbers
- Electronic mail addresses
- Social security numbers
- Medical record numbers

- Health plan beneficiary numbers
- Account numbers
- Certificate/license numbers
- Vehicle identifiers and serial numbers, including license plate numbers
- Device identifiers and serial numbers
- Web Universal Resource Locations (URLs)
- Internet Protocol (IP) address numbers
- Biometric identifiers, including finger and voice prints
- Full face photographic images and any comparable images

26. Breach Notification 45 CFR 164.400 et. seq.

Individuals have the right to be notified in the event that Multnomah County discovers a breach of unsecured PHI.

27. Marketing 45 CFR 164.501 and 45 CFR 164.508(a)(3)

Multnomah County may communicate with an individual face-to-face about products or services that may interest the individual or give an individual a promotional gift of nominal value. Otherwise, Multnomah County does not use or disclose an individual's PHI for marketing without the individual's authorization.

28. Fundraising 45 CFR 164.514(f)

Multnomah County may not use protected health information for fundraising communications, as defined under HIPAA.

29. Personal Representatives 45 CFR 164.502(g)

Multnomah County covered components shall treat an individual's personal representative as the individual himself or herself with respect to uses and disclosures of the individual's protected health information, as well as the individual's rights under the HIPAA Privacy Rule.