



HIPAA ISSUE AND RESPONSE

Issue: Is the sharing of information between health care providers when required to bill the individual or the applicable paying entity a permitted disclosure under HIPAA regulations

In many cases, emergency transport providers do not have all of the patient information required to bill for the emergency services they rendered. In these instances, the emergency transport provider requests and receives the necessary information from the hospital where the individual received emergency care.

No: 03-2003
From: JoAnn Borri, Compliance/Privacy Officer
Date: March 2003
To: HIPAA County Task Force
CC: Bruce Lee, Kent Coxon, Bryan Cleaver

Response: The disclosure of information necessary to support payment activities by one health care provider to another health care provider is a permitted disclosure. Emergency transport providers and hospitals may continue to share protected health information required for payment activities without an authorization from the patient.

HIPAA regulations specify those circumstances when disclosures of health information are permitted. Permitted disclosures do not require patient authorization.

Health care providers are permitted to disclose protected health information for treatment, payment and health care operations as defined by HIPAA. The disclosure of information from one health care provider to support the payment activities of the receiving health care provider meets the definition of 'payment' as defined by HIPAA regulations and therefore, is a permitted disclosure.

This issue is specifically addressed in the HIPAA Privacy guidance published by the Office of Civil Rights. The guidance provides that a "CE may disclose PHI to another CE or health care provider (including providers not covered by the Privacy Rule) for the payment activities of the entity that receives the information. For example: A hospital emergency department may give a patient's payment information to an ambulance service provider that transported the patient to the hospital in order for the ambulance provider to bill for its treatment services."

(Note: CE means Covered Entity. A Covered Entity as defined by HIPAA regulations is a health plan, healthcare clearing house or health care providers who transmit any health information in electronic form in connection with a transaction covered by the regulations).

References:

- 45 CFR 160.102 Applicability and 45 CFR 160.103 Definitions. For a copy of the Privacy rule go to <http://www.hhs.gov/ocr/hipaa/finalreg.html>.
- OCR HIPAA Privacy Guidance, page 56. For a complete copy of this document go to: <http://www.hhs.gov/ocr/hipaa/privacy.html>.