

# HIPAA: Acceptable Uses of Protected Health Information (PHI)

As you know, the HIPAA privacy standards provide specific protections for PHI. What does this mean for how we share PHI *inside of* OHSU?

## Use vs. Disclosure

### USE

By definition, a *use* of PHI is something that happens *within* OHSU. Examples of uses are:

- PHI is sent from our Emergency Department to Radiology so that an x-ray can be taken;
- An OHSU student accesses PHI as part of an inpatient rotation;
- Orthopedics sends billing information to Patient Business Services (PBS) for processing;
- OHSU Quality Management personnel call an OHSU health care provider and discuss PHI to assess a case.

In each situation, information is exchanged within OHSU. According to HIPAA, we may use PHI for the purposes of treatment, payment, and health care operations (TPO) without patient authorization. TPO is explained in our Notice of Privacy Practices, which is provided to all of our patients. Sometimes we may wish to use PHI for purposes other than TPO, such as human subjects research, fundraising, or marketing. In order to use PHI for these purposes, we must first obtain patient authorization. There are limited exceptions to this for research, but all research must be pre-approved by an Institutional Review Board.

### DISCLOSURE

A *disclosure* is when we release PHI to people or organizations *outside of* OHSU. Examples of disclosures are:

- PHI is sent to the Emergency Department at another institution to facilitate treatment of an OHSU patient that has been taken there;
- PHI is sent to a state cancer registry;
- PHI is released to a medical examiner;
- PHI is released to an attorney due to a subpoena.

In each situation, PHI is sent *from* OHSU *to* an outside destination. Acceptable disclosures of PHI are discussed in a separate document, *HIPAA: Nuts and Bolts #8, Acceptable Disclosures of PHI*.

## Acceptable Uses of PHI

What if a co-worker at OHSU asks you for PHI? Is it ever ok to discuss patients with co-workers? In determining the answers to these kinds of questions, use the following guidelines:

- Is the person asking for PHI **involved in the patient's care**?
- Does the person asking for PHI **have a need to know in order to do their job**?

If the answer to **either** of these questions is **yes**, you may share PHI with the person requesting it. You may also assume that they are requesting the minimum necessary information.