

HIPAA Privacy Policy #2
Key HIPAA Terms

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| Effective Date: January 22, 2020 | Refer to Privacy Rule Sections: 164.103 |
| Authorized by: Equinox Board of Directors | Version #: |

Purpose: The definitions below apply to the Privacy Policy and are derived from the HIPAA Regulations. If a definition is not otherwise provided, terms will take on the meaning provided in the HIPAA regulations.

- **Authorization:** a patient’s written permission to allow Equinox, Inc. to use or disclose specified Protected Health Information for specified purposes which are generally other than for treatment, payment and health care operations.
- **Breach:** the acquisition, access, use, or disclosure of Protected Health Information in a manner not permitted by HIPAA that compromises the security or privacy of the Protected Health Information.
- **Business Associate:** a company or individual who performs a function or service on behalf of Equinox, Inc. that creates, receives, maintains, or transmits Protected Health Information in connection with that function or service.
- **Business Associate Agreement:** a contract between Equinox, Inc. and a Business Associate that meets the requirement specified by HIPAA.
- [Name of Entity]: as referenced within these policies and for HIPAA purposes, includes [Subsidiaries] and Equinox, Inc.
- **Consent:** a patient’s written permission to allow Equinox, Inc. to use or disclose Protected Health Information for treatment, payment and health care operation purposes.
- **De-Identified Information:** de-identified information is health information that is not subject to the same regulations as Protected Health Information because there is no reasonable basis to believe the information could be used to identify an individual. Certain identifiers must be removed for information to be considered de-identified.
- **Designated Record Set:** a group of records maintained by or for Equinox, Inc. that are medical records, billing records, a health plan’s enrollment, payment, claims adjudication, and case or medical management records, or any group of records that is used, in whole or in part, by or for Equinox, Inc. to make health care decisions about patients. The term *record* means any item, collection, or grouping of information that includes Protected Health Information and is maintained, collected, used, or disseminated by or for Equinox, Inc.
- **Disclose or Disclosure:** the release, transfer, provision of access to, or divulging of information, in any manner, outside Equinox, Inc.
- **Fundraising:** includes any organized activity undertaken to raise funds or other things of value on behalf of Equinox, Inc. It also includes, but is not limited to: requests for donations; requests for special-purpose donations (e.g., to benefit cancer research); requests for sponsorship of events or activities (e.g., charity dinner).

- **Genetic Information:** with respect to an patient: (i) the patient’s genetic tests; (ii) the genetic tests of family members of the patient; (iii) the manifestation of a disease or disorder in family members of such patient; or (iv) any request for, or receipt of, genetic services or participation in clinical research, which includes genetic services, by the patient or any family member of the patient.
- **Health Care:** means the provision of care, services, or supplies to a patient and includes any: (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, counseling, service, or procedure with respect to the physical or mental condition, or functional status, of a patient or affecting the structure or function of the body; (ii) sale or dispensing of a drug, device, equipment, or other item pursuant to a prescription; or (iii) procurement or banking of blood, sperm, organs, or any other tissue for administration to patients.
- **Health Care Operations:** refers to a variety of activities undertaken by Equinox, Inc. in the regular course of business and includes functions such as:
 - i. Conducting quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, provided that acquiring generalizable knowledge is not the primary purpose of any study resulting from such activities;
 - ii. Patient safety activities. Population-based activities relating to improving health or reducing health care costs; protocol development; case management and care coordination; contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;
 - iii. Reviewing the competence or qualifications of health care professionals; evaluating practitioner and provider performance; conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers; training of non-health care professionals; and accreditation, certification, licensing, or credentialing activities;
 - iv. Conducting or arranging for medical review, legal services, and auditing functions, including health care fraud and abuse detection or compliance;
 - v. Compiling and analyzing information in anticipation of, or for use in, civil or criminal legal proceedings;
 - vi. Business planning and development, including cost management and planning related analyses, and
 - vii. Business management and general administrative activities, including HIPAA compliance; customer service; resolution of complaints and grievances; sale, transfer, merger or consolidation of Equinox, Inc. with another covered entity or an entity following such activity will become a covered entity and the diligence related to such activity; creating de-identified health information or a limited data set; and fundraising.
- **Health Information:** means any information, including genetic information, whether oral or recorded in any form or medium, that: (i) is created or received; and (ii) relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

- **Health Information Management or Medical Records:** the department or division of Equinox, Inc. that is responsible, among other things, for maintaining Equinox, Inc.’s patient records and access to such information.
- **Health Plan:** a health plan, or insurer, means an individual or group plan that provides, or pays the cost of, medical care. This can include: a group health plan, an HMO, Medicare Part A or B, Medicaid, or a private health insurer.
- **HIPAA:** means the Health Insurance Portability and Accountability Act of 1996 as may be amended from time to time. As referenced within these policies, HIPAA includes the Privacy, Security, Breach Notification Rules and the HITECH Act.
- **HIV-Related Information:** is any information indicating that a patient had an HIV–related test (even if the test is negative), has an HIV–related illness or AIDS, has an HIV–related infection, has been exposed to HIV, or any information which could reasonably identify the patient as a person who has had a test for, or has, HIV.
- **Incident or Privacy/Security Incident:** the unauthorized access, use, disclosure, theft, loss, modification, or destruction of Protected Health Information or Personally Identifiable Information. Incidents do not always arise to the level of a breach.
- **Individual:** means the person who is the subject of Protect Health Information.
- **Individually Identifiable Health Information:** means Health Information (including demographic information collected from an individual) created by or received by Equinox, Inc.
- **Law Enforcement Official:** means a Federal, State, or local government officer or employee who is empowered by law to: (i) investigate or conduct an official inquiry into a potential violation of law; or (ii) prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.
- **Limited Data Set:** a set of data in which most of the personal identifiers have been removed. Certain identifiers must be removed for a data set to be considered a Limited Data Set.
- **Marketing:** any oral or written communications with a patient about a product or service that encourages the patient to purchase or use that product or service.
- **Minimum Necessary:** means the minimum amount of Health Information necessary to accomplish the intended purpose of the use or disclosure except in the following situations:
 - i. When the disclosure is to another health care provider for treatment.
 - ii. When a patient requests Equinox, Inc. to use or disclose his/her information under the authorization procedure.
 - iii. When the patient requests access to his/her own Protected Health Information.
 - iv. When the Secretary of Health and Human Services or any other officer or employee of the United States Department of Health and Human Services to whom the authority has been delegated) requests access to the information to ensure compliance or investigate a complaint.
 - v. When required by law or permitted by the HIPAA Privacy regulation.
 - vi. When the information is made by a health care provider to the health plan pursuant to a request for audit and related purposes.
- **Payment:** the activities undertaken by Equinox, Inc. to obtain or provide reimbursement for health care services it has provided. This includes billing, collection, and billing review activities.
- **Personal Representative:** a person who may legally act with authority on behalf of another person in making decisions about health care. In New York State, this is a health care

surrogate under the Family Health Care Decision Act or a health care agent pursuant to a health care proxy.

- **Personally Identifiable Information or PII:** as defined by New York State Law for breach notification purposes; generally, a person’s first name or first initial and last name in combination with any of the following:
 - i. Social Security Number;
 - ii. Driver’s license number or other identification number; or
 - iii. Account number or credit/debit card number with the access code or password.
- **Privacy Officer:** means the individual designated by Equinox, Inc. to coordinate and oversee compliance with HIPAA policies and procedures.
- **Protected Health Information or PHI:** any Individually Identifiable Health Information (including demographic information) created, maintained, received, or transmitted by Equinox, Inc. that relates to health status, provision of health care or payment for health care and identifies the individual or there is a reasonable basis to believe it can be used to identify the individual. PHI does not include employment records that Equinox, Inc. maintains in its capacity as an employer, and education, and certain other records subject to the Family Rights and Privacy Act (20 U.S.C. § 1232g).
- **Psychotherapy Notes:** are notes records by a health care provider who is a mental health professional that documents or analyzes the contents of a conversation during a private counseling session or during a group, joint, or family counseling session, and that are separated from the rest of the patient’s medical record. Psychotherapy notes exclude medication prescriptions and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, treatment plan, symptoms, prognosis and progress to date.
- **Qualified Person:** means any properly identified subject; or a guardian appointed under Article 81 of the N.Y. Mental Hygiene Law; or a parent of an infant; or a guardian of an infant appointed under Article 17 of the N.Y. Surrogate's Court Procedure Act or other legally appointed guardian of an infant who may be entitled to request access to a clinical record under N.Y. Public Health Law §18 or N.Y. Mental Hygiene Law §33.16; or a distributee of any deceased subject for whom no personal representative, as defined in the N.Y. Estates, Powers and Trusts Law, has been appointed; or an attorney representing a qualified person or the subject's estate who holds a power of attorney from the qualified person or the subject's estate explicitly authorizing the holder to execute a written request for patient information under N.Y. Public Health Law § 18 or N.Y. Mental Hygiene Law § 33.16. A qualified person shall be deemed a “personal representative of the individual” for purposes of the federal Health Insurance Portability and Accountability Act of 1996 and its implementing regulations.
- **Remuneration:** direct or indirect payment that flows from, or on behalf of, a third-party whose product or service is being described. It does not include payment for the treatment of a patient. For marketing purposes, remuneration does not include nonfinancial or in-kind benefits. For sale of Protected Health Information purposes, remuneration does include non-financial or in-kind benefits.
- **Treatment:** means the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third-party; consultation between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another.

- **Use:** the sharing, employment, application, utilization, examination, or analysis of Protected Health Information within Equinox, Inc.
- **Workforce Member:** employees, medical staff, residents, fellows, students, volunteers, trainees, vendors, contractors, consultants, agents, and other persons whose conduct, in the performance of work for Equinox, Inc., is under the direct control of Equinox, Inc., whether or not they are paid by Equinox, Inc.

Related Documents

All HIPAA Privacy Policies and Procedures

This version supersedes all previous Equinox, Inc. entity policies.