

HIPAA Privacy Policy #18
Uses and Disclosures of Protected Health Information
Without Patient Authorization for Public Health Activities

Effective Date: January 22, 2020	Refer to Privacy Rule Sections: 164.512; 164.528; 164.530
Authorized by: Equinox Board of Directors	Version #:

Policy: Equinox, Inc. may disclose Protected Health Information for public health activities without a patient's written Authorization according to the Procedures listed below.

Procedures:

1. Disclosures to Public Health Authorities: Equinox, Inc. may disclose Protected Health Information to public health authorities (including the New York State Department of Health) that are authorized by law to collect such information to prevent or control diseases, injuries or disabilities or to perform public health surveillance, investigations, and interventions. The following is a list of some examples:
 - a. Vital Statistics: Equinox, Inc. may disclose Protected Health Information pursuant to laws that authorize the reporting of births and deaths (*45 C.F.R. § 164.512(b)(i)*); *N.Y. Public Health Law § 206(1)(e)*; *N.Y. Public Health Law § 206(1)(d)*;
 - b. Diseases: Equinox, Inc. may disclose Protected Health Information pursuant to laws that authorize reporting of diseases such as cancer, Alzheimer's, HIV, and Communicable Diseases (as defined by Part 2 of Title 10 of New York's Codes, Rules and Regulations) (*N.Y. Public Health Law § 2782(1)(h)*); *N.Y. Public Health Law § 206(1)(e)*; *N.Y. Public Health Law § 206(1)(d)*;
 - c. Controlled Substances: Equinox, Inc. may disclose Protected Health Information to the New York State Department of Health pursuant to laws that authorize the reporting of habitual users of controlled substances. Equinox, Inc. may also disclose Protected Health Information to the New York State Department of Health pursuant to laws that authorize the reporting of the diversion or theft of controlled substances (*45 C.F.R. § 164.512(b)(iii)*); *N.Y. Public Health Law § 3372*.
2. Disclosures to Person Exposed to Diseases: Equinox, Inc. may disclose Protected Health Information pursuant to laws that authorize disclosure to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition. *45 C.F.R. § 164.512(b)(iv)*. 10 NYCRR Section 63.8 provides detailed instructions for notifying individuals who may have been exposed to HIV.
3. Disclosures to Employers: Equinox, Inc. may disclose Protected Health Information to a patient's employer to allow the employer to report work-related illnesses or diseases that the employer is required by law (such as OSHA) to report or to conduct an evaluation relating to medical surveillance of the workplace. *45 C.F.R. § 164.512(b)(v)*; *N.Y. Public Health Law § 18(6)*.
4. Disclosure to Schools: Equinox, Inc. may disclose immunization reports of prospective students to schools when the state or local law requires that the school have such information prior to admitting the student. Although written authorization is no longer required to permit such disclosure, Equinox, Inc. is still required to obtain a permission agreement whether it is written or oral. The

permission must be from the individual's parent, guardian, or another acting in *loco parentis* if the individual is a minor or incapacitated adult, or from the individual himself/herself if the individual is an adult or emancipated minor. 45 C.F.R. § 164.512(b)(vi) N.Y. Public Health Law § 2164(6); 10 NYCRR Section 66-1.3.

5. Disclosures to the Food and Drug Administration (FDA): Equinox, Inc. may disclose Protected Health Information to the FDA for activities that relate to the quality, safety, or effectiveness of an FDA regulated product or activity. 45 C.F.R. § 164.512(b)(iii); N.Y. Public Health Law § 18(6).
6. Minimum Necessary: When making a disclosure pursuant to this Policy, Equinox, Inc. may only disclose the minimum amount of information necessary for the purpose of the disclosure. (See Equinox, Inc.'s Policy No. 7 entitled "Minimum Necessary Uses, Disclosures and Requests of Protected Health Information.") 45 C.F.R. § 164.528(a-b).
7. Log of Disclosures: Equinox, Inc. is required to log disclosures for public health activities in the patient's Log for Accounting of Disclosures (See Equinox, Inc.'s Policy No. 32 entitled "Accounting of Disclosures.") 45 C.F.R. § 164.528(a); N.Y. Pub. Health Law § 18(6).
8. Special Protection for Highly Sensitive Protected Health Information: In accordance with certain Federal and New York State laws, Equinox, Inc. must provide greater privacy protections to highly sensitive Protected Health Information, which includes information that relates to HIV, Mental Health, Psychotherapy Notes, Alcohol and Substance Abuse Treatment, and Genetics. The Privacy Officer, and legal counsel when appropriate, should be consulted prior to the disclosure of such information. See Equinox, Inc.'s Policy No. 14 entitled "Uses and Disclosures of Highly Sensitive Protected Health Information."