

**HIPAA Privacy Policy #20  
Uses and Disclosures of Protected Health Information  
Without Patient Authorization for  
Health Oversight Activities**

Effective Date: January 22, 2020	Refer to Privacy Rule Sections: 164.512; 164.514; 164.528; 164.530
Authorized by: Equinox Board of Directors	Version #: v.

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

**Procedures:**

1. Disclosure for Health Oversight Activities: Equinox, Inc. may disclose Protected Health Information to agencies that are authorized by law to conduct health oversight activities, such as audits, investigations, inspections, and disciplinary actions. Such agencies include the Department of Health, the Medicaid Fraud Control Unit, the Office of Professional Medical Conduct, and the Office of the Inspector General of the Department of Health and Human Services. *45 C.F.R. § 164.512(d)(1).*
2. Activities Warranting Disclosure: Disclosure of Protected Health Information may be appropriate in regard to oversight of: the health care system; government benefit programs, for which health information is relevant to eligibility; and entities subject to government regulatory programs, or civil rights laws, for which health information is necessary in determining compliance. *45 C.F.R. § 164.512(d)(1)(i-iv).*
3. Exceptions: Health oversight activities do not include investigations or activities of the individual that do not arise from the receipt of health care, a claim for public benefits related to health, or qualification for, or receipt of, of public benefits or services when a patient’s health is integral to the claim for public benefits or services. *45 C.F.R. § 164.512(d)(2)(i-iii).*
4. Consult Privacy Officer: Never disclose Protected Health Information to an agency conducting health oversight activities without first consulting the Privacy Officer. Depending on the agency, the particular oversight activity and the type of Protected Health Information involved, Equinox, Inc. may require a subpoena or a court order prior to making any disclosure. *45 C.F.R. § 164.530.*
5. Privacy Officer Action: Prior to disclosing Protected Health Information pursuant to this Policy, the Privacy Officer shall review or consult with legal counsel as necessary concerning the agency’s authority to conduct oversight activities and shall obtain copies of its officer’s credentials. *45 C.F.R. § 164.530.*
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. *45 C.F.R. § 164.514(d)(3)(i).* See Equinox, Inc.’s Policy No. 7 entitled “Minimum Necessary Uses, Disclosures and Requests of Protected Health Information.” *45 C.F.R. § 164.502(b).*

7. Log of Disclosures: Equinox, Inc. is required to log disclosures for health oversight 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(b)(2); N.Y. Public 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."