

**HIPAA Privacy Policy #28  
Uses and Disclosures of Protected Health Information  
Without Patient Authorization  
for Workers' Compensation and Workers' Benefits**

Effective Date: January 22, 2020	Refer to Privacy Rule Sections: 164.502; 164.508; 164.512; 164.528; 164.530
Authorized by: Equinox Board of Directors	Version #:

**Policy:** Equinox, Inc. may disclose a patient's Protected Health Information as authorized by workers' compensation laws without the patient's written Authorization according to the Procedures listed below.

**Procedures:**

1. **Compliance with State Law:** Equinox, Inc. may disclose a patient's Protected Health Information for workers' compensation purposes only as *authorized* by, and as *necessary to, comply* with New York State's Workers' Compensation Law, the Volunteer Ambulance Workers' Benefit Law, the Volunteer Firefighters' Benefit Law and related regulations. *45 C.F.R. § 164.512(l); N.Y. Workers' Comp. Law § 13(g); N.Y. Vol. Ambul. Workers' Ben. Law § 58; N.Y. Vol. Fire. Ben. Law § 58.*
2. **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. § 164.502(b)(1).*
3. **Log of Disclosures:** Equinox, Inc. is not required to log disclosures of records created in hard copy paper format made pursuant to this Policy in the patient's Log for Accounting of Disclosures (*See Equinox Inc.'s Policy No. 32 entitled "Accounting of Disclosures"*).<sup>1</sup> However, disclosures of Protected Health Information to carry out treatment, payment and health care operations made through an electronic health record are not exempt from the accounting requirement and must be included in the patient's Log for Accounting of Disclosures. **New York law additionally requires Equinox, Inc. to make a notation in a patient's file or record of the purpose for every disclosure to a third party (including disclosures made under this Policy), except disclosures to practitioners under contract with Equinox, Inc. and certain government agencies. 45 C.F.R. § 164.528(a); N.Y. Public Health Law § 18(6).**
4. **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

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<sup>1</sup> Section 13405(c) of the Health Information Technology for Economic and Clinical Health ("HITECH") Act, enacted in 2009, requires the Department of Health and Human Services ("HHS") to revise the HIPAA Privacy Rule to require Covered Entities to account for disclosures of Protected Health Information to carry out treatment, payment and healthcare operations *if* such disclosures are through an electronic health record. In May 2010, HHS issued a Request for Information in the Federal Register seeking comments from the public on the interests of various constituencies concerning this new accounting requirement. HHS is still working on preparing guidance on this issue, and the Privacy Rule does not currently contain a requirement that Covered Entities account for disclosures of electronic health records containing Protected Health Information to carry out treatment, payment and health care operations.

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."

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