

ALLINA HOSPITALS & CLINICS
Policy

Department: Excellian	Policy Title: Standards for Affiliate Access to Excellian System Information
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Effective Date:	Review Date:
Revised:	

The System Access Agreement and External Access Agreement establish the terms and conditions under which Affiliates and Affiliate Personnel may access the Excellian system. This policy, as it may be revised, replaced or supplemented from time to time has been incorporated into the System Access Agreement. This policy is in addition to, and does not in any way limit, any of the obligations of an Affiliate or Affiliate Personnel under the System Access Agreement or any other Agreement with Allina.

Scope:

This policy applies to access, use, disclosure and handling of protected health information obtained via access as an Affiliate to System information by Affiliates and their workforce members.

The requirements of this policy are in addition to any legal requirements for patient authorization or other form of permission that must be obtained before accessing or disclosing protected health information.

Purpose:

To state the policy of Allina Hospitals & Clinics concerning Affiliates' access, use, disclosure and handling of Excellian System Information.

Policy:

Federal and state laws and regulations impose requirements relating to the use and disclosure of protected health information by health care providers, including Affiliates. It is Allina's intent to comply by all such applicable laws and regulations, and to require the same of Affiliates who access protected health information through the Excellian system. As set forth below, Affiliates must:

- (i) comply with regulatory restrictions on the use and disclosure of protected health information, including "minimum necessary" restrictions;
- (ii) comply with regulatory requirements for permission to use and disclose protected health information;

- (iii) comply with all other applicable regulatory requirements relating to the use and disclosure of protected health information;
- (iv) limit the access their Practice Personnel have to protected health information to the minimum necessary for the intended purpose; and
- (v) limit their disclosures and disclosures of, and access to, protected health information to the minimum necessary for the intended purpose.

An Affiliate may secure the required forms of permission, e.g. consent or authorization, for use and disclosure of System Information; however uses and disclosures of Allina System Information are subject to the System Access Agreement, the External Access Agreement and applicable law. Requests by third parties for release of or access to Excellian System information shall be promptly referred to Allina.

Definitions:

Affiliate Personnel means, for purposes of this policy, the Affiliate's workforce, as that term is defined by HIPAA.

Disclosure of protected health information means the release, transfer, provision of access to or divulging of such information outside of the entity holding the information.

Protected Health Information (PHI), for purposes of this policy, has the meaning given it under HIPAA.

Use of protected health information means sharing, employment, examination, application, utilization or analysis of such information within the entity holding the information.

Procedures:

Affiliate Access to System Information

1. Identification of Affiliate Access Needs

Each Affiliate will adopt policies and/or procedures that identify each of the following: (i) the classes of Practice Personnel who need access to protected health information to carry out their job duties; (ii) the categories or types of protected health information needed; and (iii) conditions under which such access is appropriate.

2. Limitations on Affiliate Access

Each Affiliate will implement reasonable controls for limiting access by Practice Personnel to protected health information. These controls will limit access to only the

protected health information a Practice Personnel needs to carry out his or her job duties. Reasonable controls for limiting access may include: (i) procedural controls (policies and procedures, training, monitoring and enforcement); (ii) physical controls (locks, keys, screens, etc.); (iii) technical controls (access logs, unique logins, passwords, application security, etc.). Each Affiliate will timely implement all access controls communicated and required by Allina as a condition to maintaining access to the Excellian system.

3. Access to the Entire Medical Record

For activities that require Affiliate Personnel to have access to an individual's entire medical record in the Excellian system, Affiliate policies and/or procedures will state that fact and include a justification.

General Use and Disclosure Procedures:

1. Restrictions on Use and Disclosure

Affiliate will use and disclose protected health information only:

- Where there exists legal authority for such use or disclosure, as evidenced by patient authorization, a regulatory grant of authority, a state or federal regulatory mandate (e.g., abuse reporting), or other applicable legal authority. No other disclosures may be made until after consultation with Allina.
- In accordance with all applicable laws, regulations and other policies and procedures relating to the use and disclosure of protected health information.
- In a manner consistent with Affiliates' and Allina's notice(s) of privacy practices.
- In a manner consistent with the System Access Agreement and External Access Agreement.

2. Permission for Use and Disclosure of Protected Health Information

All required forms of permission must be secured from an individual or their representative in connection with the use and disclosure of protected health information. Where law or regulation requires that an individual's permission be obtained as a condition to the use or disclosure of protected health information by an Affiliate, and the permission cannot be obtained, then the Affiliate will not make the proposed use or disclosure.

Affiliate Documentation

1. Policies and Procedures

Policies addressing compliance with privacy and security laws and regulations will be developed by each Affiliate in accordance with the requirements of HIPAA and as further necessary to enable the Affiliate's compliance with this policy and the requirements of any agreements between the Affiliate and Allina. Affiliate policies and procedures related to privacy and security compliance obligations will be modified promptly to comply with changes in relevant laws and regulations, and policy and procedure changes will be implemented within the time required for legal and contractual compliance.

2. Notice of Privacy Practices

Each Affiliate will be responsible for developing maintaining and distributing the Affiliate's Notice(s) of Privacy Practices as required by applicable law. The Affiliate's Notice will be consistent with its contractual, legal and regulatory obligations with respect to System information.

3. Complaints about Privacy Practices

Each Affiliate must have a designated office or person responsible for receiving complaints relating to privacy and security practices and will be responsible for documenting the complaints received and their disposition. An Affiliate will promptly notify Allina of all complaints concerning privacy and security practices related to System information.

4. Report of Disclosures

All patient or other third-party requests for access, amendment, restrictions, research use and disclosure of System Information, accounting of disclosures of System information shall be promptly referred to Allina. An Affiliate shall not act for Allina with respect to such requests.

An Affiliate will provide Allina with all documentation necessary for Allina to comply with an individual's request for an accounting with respect to Affiliate's access to and disclosures of System Information. For each disclosure required under HIPAA or state law to be included in a log maintained for purposes of producing such reports, Affiliate will document: (i) the date of the disclosure; (ii) the name of the entity or person who received the protected health information and, if known, the entity or person's address; (iii) a brief description of the protected health information disclosed; (iv) a brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure¹; and (v) any written disclosure report that is provided to an individual.

¹ Not necessary for logging required only by Wisconsin law.

5. Documentation Required by Allina for Compliance or Audit

An Affiliate will provide such documentation to Allina as Allina may request from time to time, as necessary for Allina to comply with applicable law or to assess the Affiliate's compliance with this policy.

6. Disciplinary Action for Violations

Any time that an Affiliate takes disciplinary action for violation of privacy and security policies or related procedures with respect to System Information, the Affiliate will submit documentation to Allina that, at a minimum, identifies the disciplined workforce member, the date of the action, the nature of the violation, and the type of sanction imposed.