

HIPAA Information

STATE EVALUATION: HOME CARE PROVIDERS (144A)

The Health Insurance Portability and Accountability Act (HIPAA) defines and limits when a covered entity may use or share a person's protected health information (PHI). Home care providers are considered covered entities.

A covered entity (CE) may not use or disclose PHI except:

- As HIPAA permits or requires; or
- As authorized in writing by the person who is the subject of the information (or their representative)

HIPAA lets CEs share health information about their home care clients with MDH. MDH is a government agency responsible for license oversight and ensuring compliance with home care laws.

There is:

- No HIPAA violation when a CE shares PHI with a government agency that is responsible for compliance
- No need for a CE to get a release of information signed by a client to share the PHI

An MDH surveyor is required to review client health records, including assessments, service and care plans, medication lists, documentation of services provided and other client records. HIPAA allows MDH to review and get copies of this information. There is no need for a signed release from the client. If MDH plans to observe or discuss care directly with a client, the surveyor will ask the client for permission.

Links

- [Health Insurance Portability and Accountability Act \(https://www.hhs.gov/hipaa/index.html\)](https://www.hhs.gov/hipaa/index.html)
- [Summary of the HIPAA Privacy Rule \(https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html\)](https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html)
- [Covered Entities and Business Associates \(https://www.hhs.gov/hipaa/for-professionals/covered-entities/index.html\)](https://www.hhs.gov/hipaa/for-professionals/covered-entities/index.html)

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12/30/2022

To obtain this information in a different format, call: 651-201-4200.