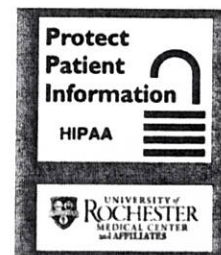


# HIPAA HIGHLIGHTS

*January 2015*



## ***Authorization to Release Medical Information***

### ***How to protect the patient's right to privacy and ensure compliance with HIPAA***

In general, URM and its Affiliates **must** have a valid written HIPAA compliant authorization from the patient (or legal personal representative) before using or disclosing protected health information (PHI). For example, an authorization is required when disclosing PHI to an attorney, a research sponsor, a school, a life insurance company or a court (unless a judge has signed a subpoena).

Exceptions when an authorization is not required for uses or disclosures of PHI include: for treatment, payment or healthcare operations of URM and Affiliates; if there is a research waiver of authorization; or when the use or disclosure is required by law.

#### ***What does HIPAA compliant mean?***

An authorization that is HIPAA compliant must include certain elements and statements. See HIPAA Policy [OP7.1](#) for a complete list. If any of these items are missing or the authorization is not filled out completely, the authorization is invalid and must be returned to the requestor.

#### ***Is it acceptable for departments to develop their own forms?***

The use of the URM and Affiliates form SH48, Authorization for Release/Disclosure of Medical and/or Behavioral Health Information available from your forms vendor, ensures that you will have the most up-to-date version with the required information approved by the Privacy Office. "Hybrid" forms put together by departments are typically missing some of the required elements and may lead to inappropriate disclosures of PHI. Also, forms that are repeatedly photocopied instead of ordered from your forms vendor not only look unprofessional but may not represent the most recent version. There is no charge to departments for SH48 Authorization forms so cost should not be a barrier to ordering them. Finally, if you want to customize the top-right corner of the form with your department contact information, you can do so at no cost.

#### ***Is it okay to release information if the authorization received is other than the SH48 form?***

If the authorization you receive is other than the SH48 form, it may still be compliant with HIPAA but you are responsible to review the authorization to be sure it contains all the required elements and statements as above and is filled out completely.

#### ***What are some common omissions when reviewing authorizations?***

It is important to check that the required information has been filled in completely by the patient. Two common omissions are:

- Specific information about the records to be released; for example "Urology visit of 12/16/14" or "admission of 1/2/15 to 1/8/15."
- Expiration date or event; for example "4/1/15" or "one year from now" or "end of research study." If there is no date or event specified, the authorization is only valid for a one-time use and cannot be relied upon for further disclosures. A new authorization would need to be obtained.
- Signature of the patient or personal representative

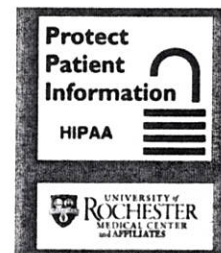
#### ***Is it permissible to assist a patient in completing an authorization?***

Yes. It is desirable to guide the patient to ensure that all items are clear and complete to protect their privacy and to avoid any delays in processing the request. For example, if a parent is requesting that information be released to a school, it is important that the authorization states what specific information may be released as well as if the request is for one-time use or also for a future period of time. The requestor also has the option to indicate that records of any future treatment of the type described be released until a specified date.

Remember that additional privacy protections apply to mental health information and certain conditions such as HIV, alcohol and substance abuse. It is important that records be screened for this information prior to release. Any questions regarding valid or compliant authorizations should be directed to your entity's Health Information Management Department or [Privacy Officer](#).

# HIPAA HIGHLIGHTS

*February 2015*



## ***Shareware and Freeware*** ***The real cost of free software***

### ***What is Shareware and Freeware?***

Everybody likes to use free software, commonly referred to as Freeware and Shareware. This software was designed to not have a cost associated with it, hence free. These pieces of software include, but are not limited to, Toolbars, Utilities, Browser Plugins, Games, Conversion Tools, etc.

### ***The software is free, so why is it bad?***

Despite their name, there is a cost associated with most free software. These costs come not in a monetary form, but as a cost to the security of your personal information or information stored on your computer. Software that is free oftentimes will include other applications bundled with the free software. Sometimes you can opt out of installing these additional bundled applications, sometimes not.

### ***What types of bundled applications come with free software?***

Types of bundled applications can include Advertising Software (Adware), Spying Software (Spyware) and Malicious Software (Malware).

- Adware is software that automatically displays or downloads advertising material (often unwanted) when a user is online. Adware is usually seen by the developer as a way to recover development costs.
- Spyware is software that gathers information about a person or organization without their knowledge and may send this information to another entity without the consumer's consent.
- Malware is software that is intended to damage or disable computers and computer systems.

Recently a website named How-To Geek conducted an experiment where they downloaded the top 10 most downloaded applications from download.com. The article "Here's What Happens When You Install the Top 10 Download.com Apps" demonstrates what can happen with free software. By the end of the experiment the test computer they had set up was inundated with problematic software. Examples of items bundled with the 10 most common applications included:

- Multiple Web browser hijacking adware
  - These redirect all of your internet traffic through a particular company so they can monitor what you look at and/or replace or add advertisements to the Web pages you visit.
- Trojan Horse Malware
  - These provide hackers with a back door into your computer.
- Changes to the home page of the browsers on the computer
- Multiple viruses
- Several "PC Cleaning" applications that are scams
  - These claim that they can optimize your computer by "cleaning" either the registry or other parts of your operating system. In reality they are scams that will often require you to pay to "clean" your computer.

### ***Why is this in a HIPAA Highlights?***

Recently the URMIC Information Security Office has seen an uptick in Shareware and Freeware resulting in malware frequently popping up on URMIC and Affiliates machines. **Installation of these free applications is a threat to the security of our information and the privacy of our patient's data.**

### ***But what if I need this program to do my job?***

If you require a piece of software to do your job, discuss your needs with your supervisor and IT Support. Together, an appropriate solution can be provided. It is also important to note that use of some free software in a corporate environment is in violation of the licensing agreement. These violations could cost URMIC and Affiliates in terms of fines.

If you have any questions or concerns regarding the use of software on the URMIC and Affiliates information systems and computers, please contact your IT Support or the Information Security Office ([infosec@urmc.rochester.edu](mailto:infosec@urmc.rochester.edu)).