

## **CS 15 UNIVERSITY OF PITTSBURGH POLICY (formerly 07-02-08)**

**CATEGORY:** PERSONNEL  
**SECTION:** Confidentiality of Medical Information  
**SUBJECT:** Prohibition on Sale of Protected Health Information  
**EFFECTIVE DATE:** September 23, 2013  
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### **I. SCOPE**

This Policy applies to data that is created, gathered or maintained by the University.

### **II. POLICY**

It is the policy of the University not to sell Protected Health Information (PHI) that is maintained by the University.

### **III. PURPOSE**

To establish guidelines for complying with the American Recovery and Reinvestment Act (ARRA) Privacy Rule regarding prohibition on the sale of PHI.

### **IV. GUIDELINES**

The University shall not directly or indirectly sell or receive payment in exchange for disclosing PHI unless either (a) the Covered Component as defined and designated in Policy 07-02-01 either obtains from the Individual a signed valid authorization that specifically states their PHI can be further exchanged for payment, or (b) if the disclosure meets one of the exceptions listed below.

#### **Exceptions:**

As set forth in the ARRA Privacy Rule, it is permissible to charge a fee in the following situations:

1. The purpose of the exchange is for public health activities.
2. The purpose of the exchange is for research and the price charged reflects the costs for preparation and transmittal of the data for such purpose.
3. The purpose of the exchange is for the treatment of the Individual.
4. The purpose of the exchange is for health care operations.
5. The purpose of the exchange is for payment that is provided by a Covered Component to a Business Associate for activities involving the exchange of PHI that the Business Associate undertakes on behalf of and at the specific request of the Covered Component pursuant to a Business Associate agreement.
6. The purpose of the exchange is to provide an Individual with a copy of the Individual's PHI, as permitted under Pennsylvania law.
7. The purpose of the exchange is otherwise determined by the Secretary of the U.S. Department of Health and Human Services in regulations to be similarly necessary and appropriate as the exceptions listed above.

### **V. NON-COMPLIANCE**

An employee's failure to abide by this policy may result in disciplinary action up to and including termination of employment.