

# HIPAA & Texas Medical Privacy Act: Releasing PHI

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# OVERVIEW

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## HIPAA

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## Texas Medical Privacy Act “HIPAA on Steroids”

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## Records Requests

# HIPAA REFRESHER

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PHI/ General Rule

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Who is required to comply?

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Who is not required to comply?

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Penalties

# PERMISSABLE DISCLOSURES

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Compliant Authorization \*

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Business Associate Agreement

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Government Agencies with oversight

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Judicial/Administrative Proceedings

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HIPAA Compliant de-identification

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“Minimum Necessary” Rule

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\* Fee

# TEXAS MEDICAL PRIVACY ACT HIPAA “On Steroids”

- Expands Covered Entities Applying to any person assembling, collecting, analyzing, using, evaluating, storing or transmitting PHI AND, those who come into possession of PHI.
- Preemption?
- Penalties

# TEXAS LAWS

- Physician Records
- Mental Health records
- Other records Chapt. 611 Texas H&S Code

# CLIENT RIGHTS

- Right To Request information on use and disclosures.
- Right to obtain a copy of what has been disclosed.
- The Right to Request Amendment of Records.
- The Right to Limit use.
- Right to sue in Texas Courts to get records



# PERMISSABLE DISCLOSURES

- Patient or persons or professionals acting on behalf.
- Regulatory agencies/law enforcement.

# RECORDS REQUESTS

- Family members
- Subpoena
- Request by lawyer

GUARDIANS, POA  
& LEGAL  
REPRESENTATIVES

- When they have authority
- When they don't have authority

QUESTIONS?

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