



COLORADO DEPARTMENT OF HEALTH CARE POLICY & FINANCING

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John W. Hickenlooper, Governor • Susan E. Birch MBA, BSN, RN, Executive Director

August 21, 2012

Dear Medicaid Provider:

This letter is intended to provide guidance regarding disclosure of protected health information (PHI) to the Department's Regional Care Collaborative Organizations (RCCOs). The Department contracts with the RCCOs as part of its Accountable Care Collaborative (ACC) program to improve clients' health and reduce costs. Medicaid clients in the ACC program receive the regular Medicaid benefit package, belong to a RCCO, and choose a Primary Care Medical Provider (PCMP). A list of the seven RCCOs serving the ACC can be found at <http://www.colorado.gov/cs/Satellite/HCPF/HCPF/1251599759791>.

RCCOs, as our business associates for the ACC, are tasked by the Department with achieving health and financial outcomes and ensuring comprehensive care coordination and a medical home level of care for every participant. This is accomplished through network development and management, provider support, medical management and care coordination, and accountability/reporting. In order to accomplish these objectives, a RCCO may reach out to you, as a Medicaid provider, to ask that you share certain information on ACC clients that you have in common and to whom you may be providing services -- for the HIPAA-permissible purposes of **treatment, payment or health care operations.**

For example, a RCCO may ask that a Medicaid-enrolled hospital notify it when a RCCO member is admitted to or presents at the emergency department. In this case, PHI may be shared with the RCCO by the hospital to facilitate follow up care (treatment). PHI may also be shared when a Medicaid member has signed a Release of Information (valid HIPAA authorization) permitting such sharing.

The HIPAA Privacy Rule requires covered entities to make reasonable efforts to limit use, disclosure of, and requests for PHI to the minimum necessary to accomplish the intended purpose. The Department is a covered entity under HIPAA; therefore, the RCCOs, as our business associates, are required by law and the Department's contract with them, to limit the information they request on Medicaid clients to only the minimum amount of information necessary to effectuate the transfer and care of the patient.

The Office of Civil Rights of the Department of Health and Human Services has issued an excellent resource entitled: USES AND DISCLOSURES FOR TREATMENT, PAYMENT, AND HEALTH CARE OPERATIONS [45 CFR 164.506] (<http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/sharingfortpo.pdf>) that outlines when, and under what conditions, a covered entity provider may use and disclose PHI without client authorization for the purposes of treatment, payment and health care operations. In addition, the Office of Civil Rights has issued a FAQ confirming that if the HIPAA Privacy Rule permits a covered entity to share protected health information with another covered entity (i.e. for treatment, payment or health care operations purposes),

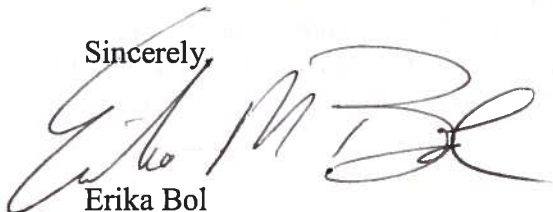
the covered entity is permitted to make the disclosure directly to a business associate acting on behalf of that other covered entity (http://www.hhs.gov/ocr/privacy/hipaa/faq/business_associates/241.html).

Please note that additional privacy protections exist under other state and federal law such as:

- Alcohol and drug abuse (see 42 CFR Part 2, Subpart A)
- Mental health conditions or treatment (see C.R.S. §12-43-218)
- HIV/AIDS testing or status (see Health Care Financing Administration (HCFA) State Operations Letter #91-32)

Thank you for your assistance in helping us to coordinate care for our clients.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erika Bol', written in a cursive style.

Erika Bol
Privacy Officer