

PARTNERSHIP FOR ACHIEVING TOTAL HEALTH PeEX

Section: HIPAA		Subject: PATH DATA USE, RETENTION AND DISCLOSURE POLICY		
Controls Addressed:	Regulations	Controls		
	Security (A)	45 CFR 164.308(a)(1)		
Applies to: <input checked="" type="checkbox"/> PATH <input checked="" type="checkbox"/> Business Partner		Effective from: 6-15-2012	Revised on: 7-25-2023	Page 1 of 2
Approved: 5-22-2012, 9-6-2023 (RECC) Revised 2-9-2023, 7-25-2023, 9/6/2023 Revised 7-24-2023: rebranded to PeEX				

I. PURPOSE

The Data Use, Retention and Disclosure policy aims to ensure that PeEX and Participants appropriately use and disclose health information consistent with sound policy and in accordance with applicable law. Establishing protocols related to how protected health information (PHI) can be used and disclosed is essential to build trust among members.

II. SCOPE

This policy applies to PeEX, Participants, and data stored within PeEX.

III. POLICY STATEMENT

This policy describes the Partnership for Achieving Total Health (PATH's) responsibility, as the primary project manager and fiduciary agent of PeEX, as it relates to data use and disclosure of information available through PeEX. Establishing requirements around data use and disclosure in permissible situations is critical to sharing data electronically. PATH is responsible for guarding against Unauthorized Use and improper disclosure of PHI available through PeEX.

1. PeEX shall not disclose any information to an unauthorized entity. PATH is responsible for the appropriate use and disclosure of information through PeEX.

2. PeEX shall require Participants to limit the use and disclosure (including re-disclosure) of information obtained through the system for purposes related to treatment, payment and health operations (TPO) and other Services. PeEX does allow Participants to disclose electronic health information obtained through the system, as appropriate, to authorized business associates that have signed a Business Associates Agreement (BAA) with the Participant that is at least as protective as PeEX's BAA.

3. PeEX shall include in its BAA and as applicable Terms and Conditions the rules for use and disclosure of information obtained through the system to ensure that data made available through the system is not inappropriately used or disclosed.

4. In the event a patient opts out of PeEX, PeEX will prohibit further sharing of such data, except in emergencies, within a reasonable amount of time but no more than 10 business days of receiving the opt-out notice. Data that was shared prior to the election of the patient's opt-out notice cannot be recalled.

5. PeEX will inform Participants to whom they redisclosed PHI of amendments made to PHI in accordance with 45 C.F.R. Section 164.526

6. PATH shall verify the authenticity of subpoenas, court orders, or discovery requests for the disclosure of PHI maintained on PeEX. PATH's legal counsel will be consulted upon receipt of these documents, and if appropriate, shall confer with counsel for any affected participants. PeEX shall respond to these requests in a timeframe consistent with existing law.

7. PeEX shall not release data for marketing or commercial purposes and shall require Participants to adhere to the same requirements. The use of consumer information available through PeEX for purposes other than TPO and approved Services is prohibited by PeEX and all Participants.