

# PARTNERSHIP FOR ACHIEVING TOTAL HEALTH PeEX

|  |                    |  |                                 |                    |
|--|--------------------|--|---------------------------------|--------------------|
| <b>Section:</b> HIPAA  |                    | <b>Subject:</b> PATH SENSITIVE DATA POLICY   |                                 |                    |
| <b>Controls Addressed:</b>   | <b>Regulations</b> | <b>Controls</b>  |                                 |                    |
|  | Security (A)       | 45 CFR 164.501, 164.502, 164.514; 42 CFR Part 2; LA RS 40:1299.6l; LA RS 22:1023; LA RS 40.1300.14 |                                 |                    |
| <b>Applies to:</b> <input type="checkbox"/> LPHI <input checked="" type="checkbox"/> PATH <input checked="" type="checkbox"/> Business Partner |                    | <b>Effective from:</b><br>9-10-2015  | <b>Revised on:</b><br>7-25-2023 | <b>Page</b> 1 of 2 |
| <b>Approved:</b> 3-16-22, 9-6-2023 (RECC)<br>Revised 7-25-23: rebranded to PeEX  |                    |  |                                 |                    |

## I. PURPOSE

The Sensitive Data policy aims to ensure that Participants appropriately exclude Sensitive Data from being shared with PeEX in a manner consistent with sound policy and in accordance with applicable law.

## II. SCOPE

This policy describes the responsibility of Participants in excluding Sensitive Data from being shared with PeEX. The provision of specific protocols and procedures governing when and how Sensitive Data is excluded is vital to ensuring ultimate compliance with applicable patient privacy laws, as well as the patient’s right to confidentiality of the medical record.

## III. POLICY STATEMENT

### A. Responsibility

1. Responsibility for exclusion of Sensitive Data from data being shared with PeEX shall reside with the Participant that transmits data to PeEX.

### B. Applicable Sensitive Data

1. Sensitive genetic information subject to LA RS 40:1299.6 (Privacy of genetic information) or LA RS 22:1023 (Prohibited discrimination; genetic information; disclosure requirements; definitions)
2. HIV test results subject to [LA Title 40 § 1300.14 - Confidentiality of HIV information](#)
  - i. With only limited exceptions, this law treats HIV information like other medical information and is thus not considered sensitive medical information.

3. Psychotherapy Notes as defined in the HIPAA Privacy Rule at 45 CFR 164.501
4. Substance abuse treatment records from SAMHSA Part 2 providers/programs subject to 42 CFR Part 2 (Confidentiality of Substance Use Disorder Patient Records)
  - i. Participants who have executed a QSOA (Qualified Service Organization Agreement) are permitted to send sensitive data to PeEX for the purposes intended under the associated agreements and in conformity with all applicable provisions of 42 USC § 290dd-2 and the underlying federal regulations, 42 C.F.R. Part 2.
5. Any other types of sensitive data subject to updates to or newly enacted federal and/or state law