

Access to Records Containing Confidential Medical Information: Thinking Beyond HIPAA
Mid-Atlantic Regional Archives Conference, Richmond, VA, Oct. 26, 2012

Health Insurance Portability and Accountability Act of 1996: Privacy Rule (“Standards for Privacy of Individually Identifiable Health Information”): A Short Glossary

Business Associate: A person or entity who, on behalf of a covered entity, performs or assists in performance of a function or activity involving the use or disclosure of individually identifiable health information, such as data analysis, claims processing or administration, utilization review, and quality assurance reviews...Business associates are also persons or entities performing legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for a covered entity where performing those services involves disclosure of individually identifiable health information by the covered entity or another business associate of the covered entity to that person or entity.

Covered entity: a health plan, a health care clearinghouse, or a health care provider who transmits health information in electronic form in connection with a transaction for which HHS has adopted a standard.

Privacy Board: A board that is established to review and approve requests for waivers or alterations of Authorization in connection with a use or disclosure of PHI as an alternative to obtaining such waivers or alterations from an IRB.

Protected Health Information (PHI): individually identifiable health information transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium. PHI excludes education records covered by the Family Educational Rights and Privacy Act...and employment records held by a covered entity in its role as employer.

Source: Dept. of Health and Human Services. *Protecting Personal Health Information in Research: Understanding the HIPAA Privacy Rule* (issued April 17, 2003). Available at:
http://privacyruleandresearch.nih.gov/pdf/HIPAA_Booklet_4-14-2003.pdf

Resources for Understanding the HIPAA Privacy Rule (all links active as of Oct. 24, 2012)

Web Sites:

SAA Science, Technology & Health Care Roundtable's HIPAA Resource Page:

<http://www.library.vcu.edu/tml/speccoll/hipaa.html>

An excellent compilation created by STHC and the Archivists and Librarians in the History of the Health Sciences; it contains both official government resources and background articles relating to HIPAA and archives.

Department of Health and Human Services:

General information on the HIPAA Privacy Rule and research:

<http://privacyruleandresearch.nih.gov/>

HHS Office of Civil Rights site on HIPAA Privacy Rule:

<http://www.hhs.gov/ocr/hipaa/>

Full "Unofficial" Text of the Privacy Rule

Code of Federal Regulations, Part 160 and Subparts A and E,
Standards for Privacy of Individually Identifiable Health Information

<http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/introduction.html>

Publications available in PDF

(all from the Dept. of Health & Human Services web site)

Protecting Personal Health Information in Research: Understanding the HIPAA Privacy Rule
(issued April 17, 2003)

http://privacyruleandresearch.nih.gov/pdf/HIPAA_Booklet_4-14-2003.pdf

An excellent overview of the Privacy Rule as it relates to research, in non-bureaucratic prose.

Summary of the HIPAA Privacy Rule:

<http://www.hhs.gov/ocr/privacy/hipaa/understanding/summary/index.html>

Selected Archives' Access Policies and Procedures to Records Containing Protected Health Information

Columbia University Medical Center Archives & Special Collections

<http://vesta.cumc.columbia.edu/library/archives/accesspatient.html>

Duke University Medical Center

<http://archives.mc.duke.edu/collection-access-policy>

Alan Mason Chesney Medical Archives of the Johns Hopkins Medical Institutions

<http://www.medicalarchives.jhmi.edu/patientrecords.html>

National Library of Medicine. History of Medicine Division
<http://www.nlm.nih.gov/hmd/manuscripts/phi.pdf>

Mount Sinai Medical Center Archives
http://www.mssm.edu/library/services/archives/research_policies.shtml

New York-Presbyterian Hospital/Weill Cornell Medical Archives
<http://www.med.cornell.edu/archives/>
Click on "Patient Records" to access HIPAA form

In addition, an article not linked to on the STHC website:

Lawrence, Susan C. "Access Anxiety: HIPAA and Historical Research," *Journal of the History of Medicine and Allied Subjects*, v. 62, no. 4 (Oct. 2007). An excellent overview of the impact of the HIPAA Privacy Rule on historical research.