

ACTIVITY	LME	HIPAA		42CFR
Treatment	Any area facility may share client information with any other area facility when necessary to coordinate the provision and management of mh/dd/sa services GS 122C-55 (a)	A health care provider may disclose PHI to provide, coordinate or manage health care, or to permit another provider to provide, coordinate, or manager health care. HIPAA 164.506(c) (1), (2)		A “substance abuse program” must have the patient’s written consent to disclose substance abuse information to an LME or another provider, unless disclosure is to: (1) medical personnel who need info to treat a medical emergency, or (2) a qualified service organization
	Payment	Any area facility may share client information with any other area facility when necessary to conduct payment activities relating to an individual served by the facility. GS 122C-52 (a2)	A health care provider may disclose PHI to obtain or provide reimbursement for services, and it may disclose PHI to another health care provider for the payment activities of that provider. HIPAA 164.506 (c)(1), (3)	A “substance abuse program” must have the patient’s written consent before disclosing substance abuse information to a third party payer or manager care entity for purposes of preauthorization and reimbursement.
Monitoring	An LME and any area facility may share client information regarding any client of the LME and facility when the LME determines disclosure is necessary to develop, manager, monitor or evaluate the LME’s qualified provider network. GS 122C-52(a4)	An LME and provider may share protected health information for: <ul style="list-style-type: none"> <li>• Health care operations (quality assessment and improvement, training and supervision, credentialing, privileging, medical review, legal services, auditing, business planning and development, administrative functions)</li> <li>• Health oversight activities authorized by law</li> </ul>		<b>Monitoring/Evaluation</b> A “substance abuse program” may disclose SA information to a person performing an “audit or evaluation activity” on behalf of: <ul style="list-style-type: none"> <li>• A government agency that funds or regulates the program, or</li> <li>• A private person that provider financial assistance or third party payments to the program</li> <li>• A peer review organization that reviews utilization or quality control</li> </ul> <b>Audit/Evaluation</b> Person or organization conducting audit or evaluation must <ul style="list-style-type: none"> <li>• Be determined by program director to be qualified to conduct the activity, and</li> <li>• Agree in writing that it will redisclose SA info only <ul style="list-style-type: none"> <li>○ Back to the program</li> <li>○ Pursuant to court order to investigate or prosecute the program, or</li> </ul> </li> </ul>
		<b>Operations</b> Health care provider may <ul style="list-style-type: none"> <li>• Use or disclose PHI for its own operations</li> <li>• Disclose PHI to another provider for the operations of that provider, if both providers have a relationship with the individual who is the subject of the PHI, and disclosure is for certain operations: <ul style="list-style-type: none"> <li>○ Quality of care or professional competency activities, or</li> <li>○ For the purpose of health care fraud and abuse detection or compliance</li> </ul> </li> <li>• Health care provider that participates in an organized health care arrangement (OHCA) may disclose PHI about an individual to another provider that participates in the OCHA for any health care operations</li> </ul>	<b>Oversight</b> Health care provider may disclose PHI to an agency authorized by law to conduct health oversight activities, including audits, inspections, licensure or disciplinary actions, or other activities necessary <ul style="list-style-type: none"> <li>• For oversight of the health care system or government benefit programs, or</li> <li>• To determine compliance with government program standars or civils rights laws. 164.512 (d)</li> </ul>	

		activities of the OHCA		<ul style="list-style-type: none"> <li>To a gov't agency that is overseeing a Medicare or Medicaid audit</li> </ul>
<b>MONITORING SUMMARY</b>	Permits info sharing between the LME and its network providers (area facilities), but not with providers that have no agreement to serve the LME's clients	Permits disclosure of PHI for health care operations of the provider network and health oversight activities of the LME		Permits disclosure under the audit/evaluation provision, but LME must have written agreement not to redisclose
<b>REQUIRED-BY-LAW ACTIVITIES</b>	A facility shall disclose confidential information... as required by other State or federal law. GS 122C-54(h)	A health care provider may disclose PHI to the extent that such use is required by law 164.512(a)		No general required-by-law provision