

## Guide To Privacy Regulations

### 160 – General administrative requirements

Sub part A – General Provisions: 160.101 – 160.104

Sub part B – Pre-emption of State Law: 160.201 – 205

Sub part E – Privacy of Individually Identifiable Health Information: 164.500

### 164.501 – Definitions

### 164.502 – Uses and disclosures of protected health information; general rules

- (a) may not use or disclose PHI except as permitted or required...
- (b) minimum necessary
- (c) uses and disclosures of PHI subject to an agreed upon restriction
- (d) uses and disclosures of de-identified information
- (e) disclosures to business associates
- (f) deceased individuals
- (g) personal representative
- (h) confidential communications
- (i) uses and disclosures consistent with notice
- (j) disclosures by whistleblowers and workforce member crime victims

### 164.504 – Uses and disclosures: organizational requirements

- (a) definitions
- (b) health care component
- (c) implementation specification: application of other provisions
- (d) affiliated covered entities
- (e) business associate contracts
- (f) requirements for group health plans
- (g) requirements for a covered entity with multiple covered functions

### 164.506 – Consent for uses or disclosures to carry out treatment, payment or health care operations

- (a) consent requirement
- (e) resolving conflicting consents and authorizations
- (f) joint consents

### 164.508 – Uses and disclosures for which an authorization is required

- (a) authorizations for uses and disclosures; required; general rule
- (b) implementation standard: general requirements; valid authorizations
- (c) implementation specifications; core elements and requirements
- (d) implementation specifications; authorization requested by a covered entity for its own uses and disclosures
- (e) implementation specifications: authorizations requested by a covered entity for disclosures to others
- (f) implementation specifications: authorizations for uses and disclosures of PHI created for research that includes treatment of the individual

164.510 – Uses and disclosures requirement an opportunity for the individual to agree or object

- (a) use and disclosure for facility directories
- (b) Uses and disclosures for involvement in the individual's care and notification purposes

164.512 – Uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required.

- (a) uses and disclosures required by law
- (b) uses and disclosures for public health activities
- (c) disclosure about victims of abuse, neglect or domestic violence
- (d) uses and disclosures for health oversight activities
- (e) disclosures for judicial and administrative proceedings
- (f) disclosures for law enforcement purposes
- (g) uses and disclosures about decedents
- (h) uses and disclosures for cadaveric organ, eye or tissue donation
- (i) uses and disclosures for research purposes
- (j) uses and disclosures to avert a serious threat to health or safety
- (k) uses and disclosures for specialized government functions

164.514 – Other requirements relating to uses and disclosures of protected health information

- (a) de-identification of protected health information
- (b) implementation specifications: requirements for de-identification of PHI
- (c) implementation specifications: re-identification
- (d) minimum necessary requirements
- (e) uses and disclosures of PHI for marketing
- (f) uses and disclosures for fundraising
- (g) uses and disclosures for underwriting and related purposes
- (h) verification requirements

164.520 – Notice of privacy practices for protected health information

- (a) notice of privacy practices
- (b) implementation specifications: content of notice
- (c) implementation specifications: provision of notice
- (d) implementation specifications: joint notice by separate covered entities

164.522 – Rights to request privacy protection for protected health information

- (a) right of an individual to request restriction of uses and disclosures
- (b) confidential communications requirement

164.524 – Access of individuals to PHI

- (a) access to PHI
- (b) implementation specifications: requests for access and timely action
- (c) implementation specifications: provision of access
- (d) implementation specifications: denial of access
- (e) implementation specifications: documentation

164.526 – Amendment of PHI

- (a) right to amend
- (b) implementation specifications: requests for amendment and timely action
- (c) implementation specifications: accepting the amendment
- (d) implementation specifications: denying the amendment

164.528 – Accounting of disclosures of PHI

- (a) right to an accounting of disclosures of PHI
- (b) implementation specifications: content of the accounting
- (c) implementation specifications: provision of the accounting
- (d) implementation specifications: documentation

164.530 – Administrative requirements

- (a) personnel designations
- (b) training
- (c) safeguards
- (d) complaints to the covered entity
- (e) sanctions
- (f) mitigation
- (g) refraining from intimidating or retaliatory acts
- (h) waiver of rights
- (i) policies and procedures

164.532 – Transition provisions

- (a) effect of prior consents and authorizations
- (b) implementation specifications: requirements for retaining effectiveness of prior consents and authorizations

164.534 – Compliance dates for initial implementation of the privacy standards