

Policy**Authorization to Use or Disclose Protected Health Information****Policy #14****Purpose**

To describe the procedures for using or disclosing an individual's Protected Health Information (PHI) in accordance with applicable Health Insurance Portability and Accountability Act (HIPAA) Regulations and Hansei Solutions LLC (Hansei) contracts with its Customers.

Applicability

This policy applies to all Hansei workforce members are responsible for awareness of this policy and adherence to the given direction and guidance.

Definitions

For definitions of capitalized terms or phrases, please refer to *Privacy, Security and Data Breach Notification Glossary*.

Policy

It is the policy of Hansei to protect PHI and to use or disclose PHI only in accordance with a valid Authorization, when required and in accordance with HIPAA Regulations and Hansei's contracts with its Customers.

Procedure

1. When Authorization is Not Required. Refer to *Attachment 2, When Authorization is Not Required*, and *Policy #10, Required and Permissible Uses and Disclosures*.
2. When Authorization is Required. When the activity is **permissible under the contract with Customers** in which an Authorization is required, Customer will obtain the Authorization before Hansei uses or discloses an individual's PHI, as applicable **to the services being provided to Customer** by Hansei:
 - a. Based on Hansei's operations, it does not engage in marketing or sale of PHI activities on behalf of itself or its customers.
 - i. Activities That Are Not Considered Marketing. Unless applicable state law provides otherwise, or as noted below, Marketing does not include communications made:
 - (1) To describe a health-related product or service (or Payment for such product or service) that is provided by, or included in a plan of benefits of, Hansei;
 - (2) To provide information on general health topics such as dietary advice, weight management and importance of exercise to well-being;

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- (3) For Treatment of the Individual by a Health Care Provider including case management or care coordination for the Individual;
 - (4) To manage or coordinate the Individual's care or to recommend alternative treatments, therapies, Health Care Providers or settings of care to the Individual;
 - (5) To describe enhancements to a Health Plan and health-related products or services available only to a Health Plan enrollee that add value to, but are not part of, a plan of benefits; and
 - (6) For case management or care coordination, contacting of Individuals with information about treatment alternatives, and related functions to the extent these activities do not fall within the definition of Treatment.
 - ii. An Authorization for marketing must state that the entity is receiving direct or indirect financial remuneration for the communication, where applicable.
- b. Sale of PHI. Based on Hansei's operations, it does **not** engage in the sale of PHI on behalf of itself or its Customers.
- i. Activities That Are Not Considered a Sale of PHI. Unless applicable state law provides otherwise, or as noted below, Sale of PHI does not include a disclosure of PHI:
 - (1) For public health purposes or as a Limited Data Set (refer to *Privacy Policy #18, Uses and Disclosures for Public Health Activities* and *Privacy Policy #29, De-Identification and Limited Data Sets*);
 - (2) For Treatment and Payment purposes;
 - (3) For the sale, transfer, merger, or consolidation of all or part of Hansei and for related due diligence as described in paragraph (6)(iv) of the definition of Health Care Operations;
 - (4) To an Individual, when the Individual requests access to their PHI or an Accounting of Disclosures (refer to *Privacy Policy #36, Request for Access* and *Privacy Policy #38, Accounting of Disclosures*);
 - (5) Required by law (refer to *Privacy Policy #17, Uses and Disclosures Required by Law*); and
 - (6) For any other purpose permitted by and in accordance with the HIPAA Privacy Rule, where the only remuneration received by Hansei is a reasonable, cost-based fee to cover the cost to prepare and transmit the PHI for such purpose or a fee otherwise expressly permitted by other law.
 - ii. An Authorization for any disclosure of PHI which is a Sale of PHI must state that the disclosure will result in direct or indirect remuneration from, or on behalf of, the recipient of the information.
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3. Requests Made Directly to Hansei. When Hansei receives a request to release PHI from an individual or any third party pursuant to an Authorization, Hansei will instruct the individual or other third party to make the request directly to the applicable Customer.
 4. Hansei may use or disclose PHI pursuant to an Authorization when any of the following apply:
 - a. Hansei receives a written request from a Customer to use or disclose the individual's PHI with representation from the Customer that the Customer has obtained a valid Authorization;
 - b. A Customer provides Hansei with a copy of the appropriate executed Authorization to use or disclose PHI; or
 - c. Hansei obtains an Authorization that complies with this policy and the use or disclosure is permitted by the Customer contract.
 5. All Authorizations received or obtained by Hansei will be forwarded to the Hansei's Privacy Office to confirm that the requirements of this policy and Attachment 1 have been met and to oversee the response to the Authorization.
 - i. Prior to using or disclosing PHI pursuant to an Authorization that has not already been reviewed and verified by the Customer, Hansei's Privacy Office will make reasonable efforts to verify the identity of the individual or the identity and authority of the Personal Representative, if applicable, who signed the Authorization form consistent with verification procedures outlined in *Privacy Policy #10, Required and Permissible Uses and Disclosures*, and *Privacy Policy #32, Verification of Identity and Authority*.
 6. Minimum Necessary. Only the information specified in an Authorization may be used or disclosed and the terms of the Authorization must be followed. If the Authorization appears vague or overly broad, the Hansei Privacy Officer will review the Authorization and may contact the individual or the Customer, as appropriate, to determine the appropriate amount of PHI to be used or disclosed.
 7. Defective Authorizations. An Authorization cannot be accepted if it has any of the following defects:
 - a. The expiration date has passed, or the Authorization specifies a particular expiration event that is known to have occurred.
 - b. The Authorization:
 - i. Does not include all of the required core elements (see *Attachment #1: Checklist of Required Elements for Third-Party Authorization Form* for the required elements) or has not been filled out completely;
 - ii. Has not been signed and dated by the individual or an authorized Personal Representative; or
 - iii. Is for a limited or specific purpose and the anticipated disclosure of PHI would exceed the limitation or specific use.

- c. The Authorization is known to have been revoked even if Hansei has not yet received a copy of the written revocation.
- 8. Revoked or Expired Authorization.
 - a. Upon revocation or expiration of an Authorization, the Authorization form will be marked to show that it is no longer valid. Hansei's Privacy Office will communicate the revocation or expiration of the Authorization to the designated Privacy Official to update any related records or data sets.
- 9. Accounting of Disclosures. Disclosures pursuant to a valid HIPAA Authorization do not have to be included in an Accounting of Disclosures since they are made with the Individual's written Authorization.

Enforcement

Violations of this policy will result in imposition of sanctions/disciplinary actions in accordance with Hansei's sanctions/discipline policy. This may include suspension or loss of the violator's access privileges with respect to Hansei's information systems, or termination of employment, volunteer, intern, or contractor status with Hansei. Additional civil, criminal and equitable remedies may apply.

Documentation

The Chief Privacy Officer is responsible for ensuring this version of the policy, together with any forms and other documentation created or obtained in accordance with the policy, will be retained by Hansei for a period of at least 6 years from the date of creation or the date when last in effect, whichever is later.

References

Regulatory Authority:

- 1. 45 C.F.R. §164.502(a)(5)(ii) – Standard: Prohibited uses and disclosures; Sale of protected health information.
- 2. 45 C.F.R. §164.508(a) – Standard: Authorizations for uses and disclosures.
- 3. 45 C.F.R. §164.508(b) – Implementation specifications: general requirements.
- 4. 45 C.F.R. §164.508(c) – Implementation specifications: Core elements and requirements.

Internal:

- 1. Privacy Policy #10, Required and Permissible Uses and Disclosures
- 2. Privacy Policy #11, Business Associate Contracts and Other Arrangements
- 3. Privacy Policy #12, Personal Representatives and Communications with Minors
- 4. Privacy Policy #13, Uses and Disclosures for Treatment, Payment, and Health Care Operations

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5. Privacy Policy #15, Uses and Disclosures with Opportunity to Agree or Object
 6. Privacy Policy #17, Uses and Disclosures Required by Law
 7. Privacy Policy #18, Uses and Disclosures for Public Health Activities
 8. Privacy Policy #20, Uses and Disclosures for Health Oversight Activities
 9. Privacy Policy #21, Uses and Disclosures for Judicial and Administrative Proceedings
 10. Privacy Policy #22, Uses and Disclosures for Law Enforcement Purposes
 11. Privacy Policy #29, De-Identification and Limited Data Sets
 12. Privacy Policy #32, Verification of Identity and Authority

External:

1. Current e-CFR [Part 164, Security, Breach, and Privacy Regulations](#)

Attachment 1: Checklist of Required Elements for Third-Party Authorization Form


1. A valid authorization must contain at least the following elements:
 - a. A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion.
 - b. The name or other specific identification of the person(s), or class of persons, authorized to make the requested use or disclosure.
 - c. The name or other specific identification of the person(s), or class of persons, to whom the covered entity may make the requested use or disclosure.
 - d. A description of each purpose of the requested use or disclosure. The statement “at the request of the individual” is a sufficient description of the purpose when an individual initiates the authorization and does not, or elects not to, provide a statement of the purpose.
 - e. An expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure. The statement “end of the research study,” “none,” or similar language is sufficient if the authorization is for a use or disclosure of PHI for research, including for the creation and maintenance of a research database or research repository.
 - f. Signature of the individual and date. If the authorization is signed by a personal representative of the individual, a description of such representative’s authority to act for the individual must also be provided.
2. In addition to the core elements, the authorization must contain statements adequate to place the individual on notice of all of the following:
 - a. The individual’s right to revoke the authorization in writing, and either:
 - i. The exceptions to the right to revoke and a description of how the individual may revoke the authorization; or
 - ii. To the extent that the individual’s right to revoke is included in the Notice of Privacy Practice, a reference to the covered entity’s notice.
 - b. The ability or inability to condition treatment, payment, enrollment or eligibility for benefits on the authorization, by stating either:
 - i. The covered entity may not condition treatment, payment, enrollment or eligibility for benefits on whether the individual signs the authorization when the prohibition on conditioning of authorizations outlined below applies:

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- (1) For research-related treatment;
 - (2) For enrollment in the health plan or eligibility for benefits; or
 - (3) For the provision of health care that is solely for the purpose of creating PHI for disclosure to a third party.
 - ii. The consequences to the individual of a refusal to sign the authorization when the covered entity can condition treatment, enrollment in the health plan, or eligibility for benefits on failure to obtain such authorization.
 - c. The potential for information disclosed pursuant to the authorization to be subject to redisclosure by the recipient and no longer be protected by this subpart.
3. Plain language requirement. The authorization must be written in plain language.
4. Copy to the individual. If a covered entity seeks an authorization from an individual for a use or disclosure of PHI, the covered entity must provide the individual with a copy of the signed authorization.

Attachment 2: When Authorization is Not Required

1. Possible Exemptions from Authorization Requirements. Hansei's Privacy Office is responsible for making determinations of possible exemptions from Authorization requirements.
 - a. If a use or disclosure of the information is for any of the following purposes, it may be exempted from the Authorization requirements, provided that the use or disclosure is permitted by the applicable Customer contract. Refer to the following Hansei Privacy Policies and Procedures to determine the circumstances under which the information may be released without Authorization from the individual:
 - i. Privacy Policy #11, Business Associate Contracts and Other Arrangements; and
 - ii. Privacy Policy #29, De-Identification and Limited Data Sets.
 - b. If a use or disclosure of the information is for any of the following purposes, it may be exempted from the Authorization requirements, provided that the use or disclosure is permitted by HIPAA and the applicable Customer contract:
 - i. Privacy Policy #13, Uses and Disclosures for Treatment, Payment, and Health Care Operations;
 - ii. Privacy Policy #15, Uses and Disclosures with Opportunity to Agree or Object;
 - iii. Privacy Policy #17, Uses and Disclosures Required by Law;
 - iv. Privacy Policy #19, Disclosure for Suspected or Confirmed Abuse, Neglect, or Domestic Violence;
 - v. Privacy Policy #20, Disclosures to Family, Caregivers, and Friends;
 - vi. Privacy Policy #21, Uses and Disclosures for Judicial and Administrative Proceedings; and
 - c. If permitted by the Customer, Hansei may make certain other disclosures without an Authorization, provided the Privacy Office, after conferring with Legal Counsel, has approved the disclosure in advance and determined that the regulatory requirement for the applicable exception to the requirement for an Authorization has been met. Each of the exceptions below has detailed requirements that must be fully met:
 - i. Privacy Policy #12, Personal Representatives and Communications with Minors;
 - ii. Privacy Policy #18, Uses and Disclosures for Public Health Activities;
 - iii. Privacy Policy #20, Uses and Disclosures for Health Oversight Activities;

Document Control

APPROVED BY:		
Srinivas Chiguluri VP of Technology/Product/Innovation	8/25/2025	
Printed Name	Date	Signature

REVISION HISTORY			
Date	Author	Version	Comments