I. Description

UNCHCS may not sell PHI without the prior written authorization from the individual, subject to limited exceptions.

Included within the scope of this policy are the patient care programs of the UNC School of Medicine (UNC SOM). As a result, this policy shall apply to all UNC SOM personnel, including but not limited to faculty, staff, students, trainees, interns and volunteers who may be full-time, part-time, paid or unpaid who create, store, transmit, access or use any patient information in support of clinical purposes for UNCHCS or any other healthcare entity.

II. Policy

A. Authorization Required. UNCHCS may not sell PHI unless the individual or individuals whose PHI is the subject of the sale have signed a written authorization. The authorization must state that the disclosure
will result in remuneration to UNCHCS. Contact the UNCHCS Privacy Office to assist in drafting the authorization.

B. Activities Not Considered a Sale of PHI. The following activities are not considered as a sale of PHI:

1. Public health activities;
2. Research, where the only remuneration received by UNCHCS is a reasonable, cost-based fee to cover the cost to prepare and transmit PHI for such purposes;
3. Treatment and payment activities;
4. Corporate transactions (e.g., sale, transfer, merger, consolidation, including a sale of a clinic or hospital to another entity);
5. Business associate services, and the only remuneration provided by UNCHCS to the business associate is for such services;
6. Disclosures
   a. To the individual;
   b. As required by law; and
   c. For any other purpose permitted by and in accordance with the HIPAA Privacy Rule, where the only remuneration received by UNCHCS is a reasonable, cost-based fee to cover the cost to prepare and transmit PHI for such purpose or a fee otherwise expressly permitted by other law.

III. Definitions

Sale of PHI – means any disclosure of PHI for which remuneration is received, directly or indirectly, from the recipient in exchange for the PHI (i.e., "sale" is not limited to transfer of ownership of the PHI.

IV. References

HIPAA Privacy Rule: 45 CFR 164.502(a)(5)(ii)

V. Related Policies/Forms

UNCHCS Uses and Disclosures of PHI Requiring Authorization Policy

Attachments: No Attachments

Approval Signatures

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<tr>
<th>Step Description</th>
<th>Approver</th>
<th>Date</th>
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<tr>
<td></td>
<td>Jerylyn Williams: VP Chief Audit &amp; Comp Officer</td>
<td>01/2019</td>
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<td>SYSTEM Site Administrator</td>
<td>Emilie Hendee: HCS-Sr Attorney</td>
<td>01/2019</td>
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<td>David Behinfar: HCS-Privacy Dir</td>
<td>01/2019</td>
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Applicability

Caldwell Memorial Hospital, Chatham Hospital, Johnston Health, Nash Health Care, UNC Health Care System, UNC Lenoir Health Care, UNC Medical Center, UNC Physicians Network, UNC Rex Healthcare, UNC Rockingham Health Care, Wayne Memorial Hospital