II. Policy

A. Authorization Required. UNC Health 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 UNC Health. Contact the UNC Health 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 UNC Health 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 UNC Health 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 UNC Health 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

UNC Health Uses and Disclosures of PHI Requiring Authorization Policy

Attachments

No Attachments

Approval Signatures

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<thead>
<tr>
<th>Step Description</th>
<th>Approver</th>
<th>Date</th>
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<tr>
<td></td>
<td>Jerylyn Williams: Chief Audit &amp; Compliance Ofcr</td>
<td>06/2020</td>
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<td>SYSTEM Site Administrator</td>
<td>Emilie Hendee: HCS Attorney Sr</td>
<td>06/2020</td>
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<td>David Behinfar: HCS Exec Dir Privacy</td>
<td>06/2020</td>
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Applicability

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