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Owner: David Behinfar: HCS Exec Dir Privacy
Policy Area: HIPAA - Privacy
Policy Tag Groups:
Applicability: UNC Health Care System (all owned and managed entities)

Sale of PHI

APPLICABILITY:

This policy applies to the following entities (collectively referred to as "UNC Health" in this policy):

✓ UNC Health Care System / UNC Medical Center*	✓ Johnston Health
✓ UNC Physicians Network	✓ Lenoir Memorial Hospital
✓ UNC Physicians Network Group Practices / UNC Physicians Group Practices II	✓ Margaret R. Pardee Memorial Hospital
✓ Rex Healthcare / Rex Hospital	✓ Nash Healthcare System/Nash Hospitals
✓ Chatham Hospital	✓ Wayne Memorial Hospital
✓ Caldwell Memorial Hospital	
✓ UNC Rockingham Health Care / UNC Rockingham Hospital	

*UNC Medical Center includes all UNC Hospitals' facilities and the clinical patient care programs of the School of Medicine of UNC-Chapel Hill (including UNC Faculty Physicians).

I. Description

UNC Health may not sell protected health information (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 UNC Health or any other healthcare entity.

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

Step Description	Approver	Date
	Jerylyn Williams: Chief Audit & Compliance Ofcr	06/2020
SYSTEM Site Administrator	Emilie Hendee: HCS Attorney Sr	06/2020
	David Behinfar: HCS Exec Dir Privacy	06/2020

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

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