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Policy Statement


Workforce Members of CHG should refer to this policy for definitions of terms used in Privacy-Related Policies.

Purpose

The purpose of this policy is to provide a glossary of terms for use with the policies of Community Health Group and Community Health Group Partnership Plan (collectively, "CHG") that implement the Privacy Standards of the Health Insurance Portability and Accountability Act of 1996, 45 CFR Parts 160 and 164 ("HIPAA") ("Privacy-Related Policies").


1. TERMS

- 1.1. Access refers to the ability or the means necessary to read, write, modify, or communicate data/information or otherwise make use of any system resource.
- 1.2. Access control refers to a method of restricting access to resources, allowing only privileged entities access. Types of access control include, among others, mandatory access control, discretionary access control, time-of-day, and classification.
- 1.3. Affiliated Covered Entity: (i) legally separate Covered Entities may designate themselves (including any health care component of such covered entity) as a single affiliated Covered Entity if all the Covered Entities designated are under common ownership or control; (ii) the designation of an affiliated Covered Entity must be documented and maintained in accordance with § 164.530(j); (iii) if a Covered Entity combines the functions of a health care plan, health care provider or health care clearinghouse, it must comply with the standards, requirements and implementation specifications of § 164.504, as applicable to the health plan, health care provider, or health care clearinghouse covered functions performed.
- 1.4. Act means the Social Security Act.
- 1.5. ANSI stands for the American National Standards Institute.
- 1.6. Authentication refers to the corroboration that an entity is the one claimed.
- 1.7. Business associate:
 - 1.7.1. Except as provided in paragraph 4.7.2. of this definition, Business Associate means, with respect to a Covered Entity, a person who: (i) On behalf of such Covered Entity or of an organized health care arrangement (as defined in § 164.501 of the Privacy Regulations) in which the Covered Entity participates, but other than in the capacity of a member of the workforce of such Covered Entity or arrangement, performs, or assists in the performance of: (A) A function or activity involving the use or disclosure of individually identifiable health information, including claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, billing, benefit management, practice management, and repricing; or (B) Any other function or activity regulated by the Privacy Regulations; or (ii) Provides, other than in the capacity of a member of the workforce of such Covered Entity, legal, actuarial, accounting, consulting, data aggregation (as defined in § 164.501 of the Privacy Regulations), management, administrative, accreditation, or financial services to or for such Covered Entity, or to or

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for an organized health care arrangement in which the Covered Entity participates, where the provision of the service involves the disclosure of individually identifiable health information from such Covered Entity or arrangement, or from another Business Associate of such Covered Entity or arrangement, to the person.

- 1.7.2. A Covered Entity participating in an organized health care arrangement that performs a function or activity as described in paragraph 4.7.1 for or on behalf of such organized health care arrangement, or that provides a service as described in paragraph 4.7.1 to or for such organized health care arrangement, does not, simply through the performance of such function or activity or the provision of such service, become a Business Associate of other Covered Entities participating in such organized health care arrangement.
- 1.7.3. A Covered Entity may be a Business Associate of another Covered Entity.
- 1.8. Common control exists if an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of another entity.
- 1.9. Common ownership exists if an entity or entities possess an ownership or equity interest of 5 percent or more in another entity.
- 1.10. Compliance date means the date by which a Covered Entity must comply with a standard, implementation specification, requirement, or modification adopted under the HIPAA Privacy and Security Regulations.
- 1.11. Contrary, when used to compare a provision of State law to a standard, requirement, or implementation specification adopted under the Privacy Regulations, means:
- 1.11.1. A Covered Entity would find it impossible to comply with both the State and federal requirements; or
- 1.11.2. The provision of State law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of part C of title XI of the Act or section 264 of Pub. L. 104-191, as applicable.
- 1.12. Contingency plan refers to a plan for responding to a system emergency. The plan includes performing backups, preparing critical facilities that can be used to facilitate continuity of operations in the event of an emergency, and recovering from a disaster.
- 1.13. Correctional institution means any penal or correctional facility, jail, reformatory, detention center, work farm, halfway house, or residential community program center operated by, or under contract to, the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, for the confinement or rehabilitation of persons charged with or convicted of a criminal offense or other persons held in lawful custody. Other persons held in lawful custody includes juvenile offenders adjudicated delinquent, aliens detained awaiting deportation, persons committed to mental institutions through the criminal justice system, witnesses, or others awaiting charges or trial.
- 1.14. Covered entity means:
- 1.14.1. A health plan;

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1.14.2. A health care clearinghouse; or

1.14.3. A health care provider who transmits any health information in electronic form in connection with a transaction covered by the Privacy Regulations.

1.15. Covered functions means those functions of a Covered Entity the performance of which makes the entity a health plan, health care provider, or health care clearinghouse.

1.16. Data aggregation means, with respect to PHI created or received by a Business Associate in its capacity as the Business Associate of a Covered Entity, the combining of such PHI by the Business Associate with the PHI received by the Business Associate in its capacity as a Business Associate of another Covered Entity, to permit data analyses that relate to the health care operations of the respective Covered Entities.

1.17. Data Use Agreement means an agreement between a Covered Entity and a Limited Data Set recipient that:

1.17.1. Establishes the permitted Uses and Disclosures of the information contained in a Limited Data Set by the Limited Data Set recipient, which cannot be for purposes outside the scope of research, public health or Health Care Operations. The Data Use Agreement may not authorize the Limited Data Set recipient to Use or further Disclose the information contained in a Limited Data Set in a manner that would violate the requirements of HIPAA, if done by the Covered Entity;


1.17.2. Establishes who is permitted to Use or receive the Limited Data Set; and

1.17.3. Provides that the Limited Data Set recipient will; (i) Not use or further Disclose the information, other than as permitted by the Data Use Agreement or as otherwise required by law; (ii) Use appropriate safeguards to prevent Use or Disclosure of the information contained in the Limited Data Set other than as provided for by the Data Use Agreement; (iii) Report to the Covered Entity any Use or Disclosure of the information contained in the Limited Data Set not provided for by its Data Use Agreement of which it becomes aware; (iv) Ensure that any agents, including a subcontractor, to whom it provides the Limited Data Set, agree to the same restrictions and conditions that apply to the Limited Data Set recipient with respect to such information contained in the Limited Data Set; and (v) Not identify the information contained in the Limited Data Set or contact the individual who is the subject of the information contained in the Limited Data Set.


1.18. Designated record set:

1.18.1. A group of records maintained by or for a Covered Entity that is: (i) The medical records and billing records about individuals maintained by or for a covered health care provider; (ii) The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan; or (iii) Used, in whole or in part, by or for the Covered Entity to make decisions about individuals.

1.18.2. For purposes of this paragraph, the term record means any item, collection, or grouping of information that includes PHI and is maintained, collected, used, or disseminated by or for a Covered Entity.

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- 1.19.** Direct treatment relationship means a treatment relationship between an individual and a health care provider that is not an indirect treatment relationship.
- 1.20.** Disclosure means the release, transfer, provision of access to, or divulging in any other manner of information outside the entity holding the information.
- 1.21.** Encryption (or encipherment) refers to transforming confidential plaintext into hypertext to protect it. An encryption algorithm combines plain text with other values called keys, or ciphers, so the data becomes unintelligible. Once encrypted, data can be stored or transmitted over unsecured lines. Decrypting data reverses the encryption algorithm process and makes the plaintext available for further processing.
- 1.22.** Group health plan (also see definition of health plan in paragraph 4.33) means an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income and Security Act of 1974 (ERISA), 29 U.S.C. 1002(1)), including insured and self-insured plans, to the extent that the plan provides medical care (as defined in section 2791(a)(2) of the Public Health Service Act (PHS Act), 42 U.S.C. 300gg-91(a)(2)), including items and services paid for as medical care, to employees or their dependents directly or through insurance, reimbursement, or otherwise, that:
- 1.22.1. Has 50 or more participants (as defined in section 3(7) of ERISA, 29 U.S.C. 1002(7)); or
- 1.22.2. Is administered by an entity other than the employer that established and maintains the plan.
- 1.23.** HCFA stands for Health Care Financing Administration within the Department of Health and Human Services, now called Centers for Medicare Services (“CMS”).
- 1.24.** HHS stands for the Department of Health and Human Services.
- 1.25.** Health care means care, services, or supplies related to the health of an individual. Health care includes, but is not limited to, the following:
- 1.25.1. Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status, of an individual or that affects the structure or function of the body; and
- 1.25.2. Sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.
- 1.26.** Health care clearinghouse means a public or private entity, including a billing service, repricing company, community health management information system or community health information system, and “value-added” networks and switches, that does either of the following functions:
- 1.26.1. Processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or

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1.26.2. Receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

1.27. **Health care component** means a component or combination of components of a Hybrid Entity designated by the Hybrid Entity as being a component of the Covered Entity. Such components must include any component that would meet the definition of a Covered Entity if it were a separate legal entity. Health care component(s) may also include a component only to the extent that it performs: (A) Covered Functions; or (B) activities that would make such component a Business Associate of a component that performs Covered Functions if the two components were separate legal entities.

1.28. **Health care operations** means any of the following activities of the Covered Entity to the extent that the activities are related to covered functions.

1.28.1. Conducting quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, provided that the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;


1.28.2. Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance, health plan performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of non-health care professionals, accreditation, certification, licensing, or credentialing activities;

1.28.3. Underwriting, premium rating, and other activities relating to the creation, renewal or replacement of a contract of health insurance or health benefits, and coding, securing, or placing a contract for reinsurance of risk relating to claims for health care (including stop-loss insurance and excess of loss insurance), provided that the requirements of § 164.514(g) are met, if applicable;

1.28.4. Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

1.28.5. Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the entity, including formulary development and administration, development or improvement of methods of payment or coverage policies; and

1.28.6. Business management and general administrative activities of the entity, including, but not limited to: (i) Management activities relating to implementation of and compliance with the requirements of the Privacy Regulations; (ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that PHI is not disclosed to such policy holder, plan sponsor, or

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customer; (iii) Resolution of internal grievances; (iv) The sale, transfer, merger, or consolidation of all or part of the Covered Entity with another Covered Entity, or an entity that following such activity will become a Covered Entity and due diligence related to such activity; and (v) Consistent with the applicable requirements of § 164.514, creating De-identified Health Information or a Limited Data Set, and fundraising for the benefit of the Covered Entity.

1.29. Health Care Provider means a provider of services (as defined in section 1861(u) of the Act, 42 U.S.C. 1395x(u)), a provider of medical or health services (as defined in section 1861(s) of the Act, 42 U.S.C. 1395x(s)), and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business.

1.30. Health information means any information, whether oral or recorded in any form or medium, that:

1.30.1. Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and

1.30.2. Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

1.31. Health insurance issuer (as defined in section 2791(b)(2) of the PHS Act, 42 U.S.C. 300gg-91(b)(2) and used in the definition of health plan in paragraph 4.33) means an insurance company, insurance service, or insurance organization (including an HMO) that is licensed to engage in the business of insurance in a State and is subject to State law that regulates insurance. Such term does not include a group health plan.

1.32. Health maintenance organization (“HMO”) (as defined in section 2791(b)(3) of the PHS Act, 42 U.S.C. 300gg-91(b)(3) and used in the definition of health plan in paragraph 4.33) means a federally qualified HMO, an organization recognized as an HMO under State law, or a similar organization regulated for solvency under State law in the same manner and to the same extent as such an HMO.


1.33. Health oversight agency means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is authorized by law to oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance, or to enforce civil rights laws for which health information is relevant.

1.34. Health plan means an individual or group plan that provides, or pays the cost of, medical care (as defined in section 2791(a)(2) of the PHS Act, 42 U.S.C. 300gg- 91(a)(2)).


1.34.1. Health plan includes the following, singly or in combination:

1.34.1.1. A group health plan, as defined in paragraph 4.21.

1.34.1.2. A health insurance issuer, as defined in paragraph 4.30.


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- 1.34.1.3. An HMO, as defined in paragraph 4.31.
- 1.34.1.4. Part A or Part B of the Medicare program under title XVIII of the Act.
- 1.34.1.5. The Medicaid program under title XIX of the Act, 42 U.S.C. 1396, et seq.
- 1.34.1.6. An issuer of a Medicare supplemental policy (as defined in section 1882(g)(1) of the Act, 42 U.S.C. 1395ss(g)(1)).
- 1.34.1.7. An issuer of a long-term care policy, excluding a nursing home fixed- indemnity policy.
- 1.34.1.8. An employee welfare benefit plan or any other arrangement that is established or maintained for the purpose of offering or providing health benefits to the employees of two or more employers.
- 1.34.1.9. The health care program for active military personnel under title 10 of the United States Code.
- 1.34.1.10. The veteran's health care program under 38 U.S.C. chapter 17.
- 1.34.1.11. The Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) (as defined in 10 U.S.C. 1072(4)).
- 1.34.1.12. The Indian Health Service program under the Indian Health Care Improvement Act, 25 U.S.C. 1601, et seq.
- 1.34.1.13. The Federal Employees Health Benefits Program under 5 U.S.C. 8902, et seq.
- 1.34.1.14. An approved State child health plan under title XXI of the Act, providing benefits for child health assistance that meet the requirements of section 2103 of the Act, 42 U.S.C. 1397, et seq.
- 1.34.1.15. The Medicare + Choice program under Part C of title XVIII of the Act, 42 U.S.C. 1395w-21 through 1395w-28.
- 1.34.1.16. A high risk pool that is a mechanism established under State law to provide health insurance coverage or comparable coverage to eligible individuals.
- 1.34.1.17. Any other individual or group plan, or combination of individual or group plans, that provides or pays for the cost of medical care (as defined in section 2791(a)(2) of the PHS Act, 42 U.S.C. 300gg-91(a)(2)).
- 1.34.2. Health plan excludes:
- 1.34.2.1. Any policy, plan, or program to the extent that it provides, or pays for the cost of, excepted benefits that are listed in section 2791(c)(l) of the PHS Act, 42 U.S.C. 300gg-91(c)(1); and
- 1.34.2.2. A government-funded program (other than one listed in paragraph (1)(i)-(xvi) of this definition): (A) Whose principal purpose is other than providing, or

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paying the cost of, health care; or (B) Whose principal activity is: (1) The direct provision of health care to persons; or (2) The making of grants to fund the direct provision of health care to persons.

- 1.35.** Hybrid entity means a single legal entity: (i) that is a Covered Entity (ii) whose business activities include both covered functions and non-covered functions; and (iii) that designates health care components in accordance with the requirements of HIPPA.
- 1.36.** Implementation specification means specific requirements or instructions for implementing a standard.
- 1.37.** Indirect treatment relationship means a relationship between an individual and a health care provider in which:
- 1.37.1. The health care provider delivers health care to the individual based on the orders of another health care provider; and
- 1.37.2. The health care provider typically provides services or products, or reports the diagnosis or results associated with the health care, directly to another health care provider, who provides the services or products or reports to the individual.
- 1.38.** Incidental Use or Disclosure means a use or disclosure of PHI that is incidental to a use or disclosure otherwise appropriate under and permitted by HIPPA.
- 1.39.** Individual means the person who is the subject of PHI.
- 1.40.** Individually identifiable health information is information that is a subset of health information, including demographic information collected from an individual, and:
- 1.40.1. Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
- 1.40.2. Relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual; and
- 1.40.2.1.** That identifies the individual; or
- 1.40.2.2.** With respect to which there is a reasonable basis to believe the information can be used to identify the individual.
- 1.41.** Inmate means a person incarcerated in or otherwise confined to a correctional institution.
- 1.42.** Law enforcement official means an officer or employee of any agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, who is empowered by law to:
- 1.42.1. Investigate or conduct an official inquiry into a potential violation of law; or
- 1.42.2. Prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

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1.43. Limited data set means protected health information that excludes the following direct identifiers of the individual or of relatives, employers or, household members of the individual: (i) Names; (ii) Postal address information, other than town or city, state, and zip code; (iii) Telephone numbers; (iv) Fax numbers; (v) Electronic mail addresses; (vi) Social security numbers; (vii) Medical record numbers; (viii) Health plan beneficiary numbers; (ix) Account numbers; (x) Certificate/license numbers; (xi) Vehicle identifiers and serial numbers, including license plate numbers; (xii) Device identifiers and serial numbers; (xiii) Web Universal Resource Locators (URLs); (xiv) Internal Protocol (IP) address numbers; (xv) Biometric identifiers, including finger and voice prints; and (xvi) Full face photographic images and any comparable images.

1.44. Marketing means:

1.44.1. To make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service, unless the communication is made:

1.44.1.1. 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, the covered entity making the communication, including communications about: the entities participating in a health care provider network or health plan network; replacement of, or 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.

1.44.1.2. For treatment of the individual; or


1.44.1.3. For case management or care coordination for the individual, or to direct or recommend alternative treatments, therapies, health care providers, or settings of care to the individual.

1.44.2. An arrangement between a Covered Entity and any other entity whereby the Covered Entity discloses protected health information to the other entity, in exchange for direct or indirect remuneration, for the other entity or its affiliate to make a communication about its own product or service that encourages recipients of the communication to purchase or use that product or service.

1.45. Modify or modification refers to a change adopted by the Secretary, through regulation, to a standard or an implementation specification.

1.46. More stringent means, in the context of a comparison of a provision of State law and a standard, requirement, or implementation specification adopted under the Privacy Regulations, a State law that meets one or more of the following criteria:


1.46.1. With respect to a use or disclosure, the law prohibits or restricts a use or disclosure in circumstances under which such use or disclosure otherwise would be permitted under the Privacy Regulations, except if the disclosure is: (i) Required by the Secretary in connection with determining whether a Covered Entity is in compliance with this subchapter; or (ii) To the individual who is the subject of the individually identifiable health information.

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- 1.46.2. With respect to the rights of an individual, who is the subject of the individually identifiable health information, regarding access to or amendment of individually identifiable health information, permits greater rights of access or amendment, as applicable.
- 1.46.3. With respect to information to be provided to an individual who is the subject of the individually identifiable health information about a use, a disclosure, rights, and remedies, provides the greater amount of information.
- 1.46.4. With respect to the form, substance, or the need for express legal permission from an individual, who is the subject of the individually identifiable health information, for use or disclosure of individually identifiable health information, provides requirements that narrow the scope or duration, increase the privacy protections afforded (such as by expanding the criteria for), or reduce the coercive effect of the circumstances surrounding the express legal permission, as applicable.
- 1.46.5. With respect to record keeping or requirements relating to accounting of disclosures, provides for the retention or reporting of more detailed information or for a longer duration.
- 1.46.6. With respect to any other matter, provides greater privacy protection for the individual who is the subject of the individually identifiable health information.

1.47. Organized health care arrangement means:

- 1.47.1. A clinically integrated care setting in which individuals typically receive health care from more than one health care provider;
- 1.47.2. An organized system of health care in which more than one Covered Entity participates, and in which the participating Covered Entities: (i) Hold themselves out to the public as participating in a joint arrangement; and (ii) Participate in joint activities that include at least one of the following: (A) Utilization review, in which health care decisions by participating Covered Entities are reviewed by other participating Covered Entities or by a third party on their behalf; (B) Quality assessment and improvement activities, in which treatment provided by participating Covered Entities is assessed by other participating Covered Entities or by a third party on their behalf, or (C) Payment activities, if the financial risk for delivering health care is shared, in part or in whole, by participating Covered Entities through the joint arrangement and if PHI created or received by a Covered Entity is reviewed by other participating Covered Entities or by a third party on their behalf for the purpose of administering the sharing of financial risk.
- 1.47.3. A group health plan and a health insurance issuer or HMO with respect to such group health plan, but only with respect to PHI created or received by such health insurance issuer or HMO that relates to individuals who are or who have been participants or beneficiaries in such group health plan;
- 1.47.4. A group health plan and one or more other group health plans each of which are maintained by the same plan sponsor; or

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1.47.5. The group health plans described in paragraph 4.44.4 of this definition and health insurance issuers or HMOs with respect to such group health plans, but only with respect to PHI created or received by such health insurance issuers or HMOs that relates to individuals who are or have been participants or beneficiaries in any of such group health plans.

1.48. Password refers to confidential authentication information composed of a string of characters.

1.49. Payment means:

1.49.1. The activities undertaken by: (i) A health plan to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits under the health plan; or (ii) A health care provider or health plan to obtain or provide reimbursement for the provision of health care; and

1.49.2. The activities in paragraph 4.46.1 of this definition relate to the individual to whom health care is provided and include, but are not limited to: (i) Determinations of eligibility or coverage (including coordination of benefits or the determination of cost sharing amounts), and adjudication or subrogation of health benefit claims; (ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics; (iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance (including stop-loss insurance and excess of loss insurance), and related health care data processing; (iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges; (v) Utilization review activities, including pre-certification and preauthorization of services, concurrent and retrospective review of services; and (vi) Disclosure to consumer reporting agencies of any of the following PHI relating to collection of premiums or reimbursement: (A) Name and address; (B) Date of birth; (C) Social security number; (D) Payment history; (E) Account number; and (F) Name and address of the health care provider and/or health plan.


1.50. Plan administration functions means administration functions performed by the plan sponsor of a group health plan on behalf of the group health plan and excludes functions performed by the plan sponsor in connection with any other benefit or benefit plan of the plan sponsor.

1.51. Plan sponsor is defined as defined at section 3(16)(B) of ERISA, 29 U.S.C. 1002(16)(B).


1.52. Protected health information ("PHI") means individually identifiable health information:

1.52.1. Except as provided in paragraph 4.52.2 of this definition, that is: (i) Transmitted by electronic media; (ii) Maintained in any medium described in the definition of electronic media at § 162.103 of the Privacy Regulations; or (iii) Transmitted or maintained in any other form or medium.

1.52.2. Protected health information excludes individually identifiable health information in: (i) Education records covered by the Family Educational Right and Privacy Act, as amended, 20 U.S.C. 1232g; (ii) Records described at 20 U.S.C. 1232g(a)(4)(B)(iv); and (iii) Employment records held by a covered entity in its role as employer.

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- 1.53.** Psychotherapy notes means notes recorded (in any medium) by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of the individual’s medical record. Psychotherapy notes excludes medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.
- 1.54.** Public health authority means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate.
- 1.55.** Relates to the privacy of individually identifiable health information means, with respect to a State law, that the State law has the specific purpose of protecting the privacy of health information or affects the privacy of health information in a direct, clear, and substantial way.
- 1.56.** Required by law means a mandate contained in law that compels an entity to make a use or disclosure of PHI and that is enforceable in a court of law. Required by law includes, but is not limited to, court orders and court-ordered warrants; subpoenas or summons issued by a court, grand jury, a governmental or tribal inspector general, or an administrative body authorized to require the production of information, a civil or an authorized investigative demand; Medicare conditions of participation with respect to health care providers participating in the program; and statutes or regulations that require the production of information, including statutes or regulations that require such information if payment is sought under a government program providing public benefits.
- 1.57.** Research means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.
- 1.58.** Role-based access control (“RBAC”) is an alternative to traditional access control models (e.g., discretionary or non-discretionary access control policies) that permits the specification and enforcement of enterprise-specific security policies in a way that maps more naturally to an organization’s structure and business activities. With RBAC, rather than attempting to map an organization’s security policy to a relatively low-level set of technical controls (typically, access control lists), each user is assigned to one or more predefined roles, each of which has been assigned the various privileges needed to perform that role.
- 1.59.** Secretary means the Secretary of Health and Human Services or any other officer or employee of HHS to whom the authority involved has been delegated.
- 1.60.** Small health plan means a health plan with annual receipts of \$5 million or less.
- 1.61.** Standard means a rule, condition, or requirement:
- 1.61.1. (1) Describing the following information for products, systems, services or practices: (i) Classification of components; (ii) Specification of materials, performance, or operations;

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or (iii) Delineation of procedures; or (2) With respect to the privacy of individually identifiable health information.

1.62. Standard setting organization (“SSO”) means an organization accredited by the American National Standards Institute that develops and maintains standards for information transactions or data elements, or any other standard that is necessary for, or will facilitate the implementation of, the Privacy Regulations.

1.63. State refers to one of the following:

1.63.1. For a health plan established or regulated by Federal law, State has the meaning set forth in the applicable section of the United States Code for such health plan.

1.63.2. For all other purposes, State means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

1.64. State law means a constitution, statute, regulation, rule, common law, or other State action having the force and effect of law.

1.65. Summary health information means information, that may be individually identifiable health information, and:

1.65.1. That summarizes the claims history, claims expenses, or type of claims experienced by individuals for whom a plan sponsor has provided health benefits under a group health plan; and

1.65.2. From which the information described at § 164.514(b)(2)(i) has been deleted, except that the geographic information described in §164.514(b)(2)(i)(B) need only be aggregated to the level of a five digit zip code.

1.66. Token refers to a physical item necessary for user identification when used in the context of authentication. For example, an electronic device that can be inserted in a door or a computer system to obtain access.


1.67. Trading partner agreement means an agreement related to the exchange of information in electronic transactions, whether the agreement is a distinct or part of a larger agreement, between each party to the agreement. (For example, a trading partner agreement may specify, among other things, the duties and responsibilities of each party to the agreement in conducting a standard transaction.)

1.68. Transaction means the transmission of information between two parties to carry out financial or administrative activities related to health care. It includes the following types of information transmissions:

1.68.1. Health care claims or equivalent encounter information.

1.68.2. Health care payment and remittance advice.

1.68.3. Coordination of benefits.

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- 1.68.4. Health care claim status.
 - 1.68.5. Enrollment and disenrollment in a health plan.
 - 1.68.6. Eligibility for a health plan.
 - 1.68.7. Health plan premium payments.
 - 1.68.8. Referral certification and authorization.
 - 1.68.9. First report of injury.
 - 1.68.10. Health claims attachments.
 - 1.68.11. Other transactions that the Secretary may prescribe by regulation.
- 1.69. Treatment means the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another.
- 1.70. Use means, with respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information.
- 1.71. User-based access refers to a security mechanism used to grant users of a system access based upon the identity of the user.
- 1.72. Workforce or Workforce Member means employees, volunteers, trainees, and other persons whose conduct, in the performance of work for a Covered Entity, is under the direct control of such entity, whether or not they are paid by the Covered Entity.

CONTACT FOR QUESTIONS

If a Workforce Member has questions about this policy, such Workforce Member should contact CHG's Associate Chief Executive Officer.


Regulatory:

NCQA: None

Attachments: None

Department Head


Title: Regulatory Affairs Manager
~~Compliance Officer~~

Signature: 

Date: 4-10-18

Division Chief

Title: Associate Chief Executive Officer

Signature: 

Date: 4.10.18