

VNS HEALTH CORPORATE POLICY & PROCEDURE

TITLE: Sale of Protected Health Information (PHI)

APPLIES TO: VNS Health Home Care, including the Home Care, and Care Management Organization (CMO) divisions;
VNS Health Personal Care;
VNS Health Behavioral Health, Inc.;
VNS Health Health Plans;
VNS Health Hospice Care; and
Medical Care at Home, P.C. (collectively, "VNS Health")

POLICY OWNER: Corporate Compliance Department

FIRST ISSUED: March 2022

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PURPOSE

This policy and procedure details the prohibition on the sale of PHI without obtaining prior patient or member authorization.

POLICY

- A. VNS Health may not sell PHI without obtaining prior patient or member authorization stating that the disclosure will result in remuneration to VNS Health. The sale of PHI means a disclosure of PHI by VNS Health or its Business Associate(s), where VNS Health or its Business Associate directly or indirectly receives remuneration from or on behalf of the recipient of the PHI in exchange for the PHI. Disclosures for the following purposes are not considered a sale of PHI:
- i. Public health activities;
 - ii. Research, when the price reflects only the cost of preparation and transmittal of data;
 - iii. Treatment and payment (unless otherwise prohibited);
 - iv. Certain health care operations (only for sale, transfer, merger or consolidation of all or part of VNS Health and related due diligence);
 - v. Remuneration provided to a Business Associate for activities involving exchange of PHI done by such Business Associate under a Business Associate Agreement;
 - vi. In order to provide an individual with a copy of their PHI or to provide an individual with an accounting of disclosures of their PHI;
 - vii. When required by law; and
 - viii. Any other exception permitted by regulations promulgated by HHS, where the only

remuneration 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.

PROCEDURE

A. Sale of PHI:

- i. VNS Health must obtain patient or member authorization to sell PHI, unless the disclosure of PHI is expressly exempted.
- ii. The patient or member authorization must comply with all the requirements for authorizations, as well as state that the sale will result in financial remuneration to VNS Health.

REFERENCES:

45 CFR §§ 164.508(a)(5)(ii), 164.508(a)(4)

Reviewed:	3/2022	6/2023						
Revised & Approved:	6/2022	9/2023						