

REFERENCE TABLE

HIPAA Privacy

Citation	Requirement
164.502(a)(1)(ii)	A covered entity is permitted to use or disclose protected health information as follows...For treatment, payment, or health care operations, as permitted by and in compliance with §164.506;
164.508(c)(1)	A valid authorization under this section must contain at least the following elements: <ul style="list-style-type: none"> (i) A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion. (ii) The name or other specific identification of the person(s), or class of persons, authorized to make the requested use or disclosure. (iii) The name or other specific identification of the person(s), or class of persons, to whom the covered entity may make the requested use or disclosure. (iv) A description of each purpose of the requested use or disclosure. The statement “at the request of the individual” is a sufficient description of the purpose when an individual initiates the authorization and does not, or elects not to, provide a statement of the purpose. (v) An expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure. The statement “end of the research study,” “none,” or similar language is sufficient if the authorization is for a use or disclosure of protected health information for research, including for the creation and maintenance of a research database or research repository. (vi) Signature of the individual and date. If the authorization is signed by a personal representative of the individual, a description of such representative's authority to act for the individual must also be provided.
164.508(c)(2)	In addition to the core elements, the authorization must contain statements adequate to place the individual on notice of all of the following: <ul style="list-style-type: none"> (i) The individual's right to revoke the authorization in writing... (ii) The ability or inability to condition treatment, payment, enrollment or eligibility for benefits on the authorization... The potential for information disclosed pursuant to the authorization to be subject to redisclosure by the recipient and no longer be protected by this subpart

HIPAA Security

Citation	Requirement
164.308(a)(1)(ii)(B)	<i>Risk management.</i> Implement security measures sufficient to reduce risks and vulnerabilities to a reasonable and appropriate level to comply with §164.306(a).
164.306(a)	<i>General requirements.</i> Covered entities must do the following: <ul style="list-style-type: none"> (1) Ensure the confidentiality, integrity, and availability of all electronic protected health information the covered entity creates, receives, maintains, or transmits. (2) Protect against any reasonably anticipated threats or hazards to the security or integrity of such information. (3) Protect against any reasonably anticipated uses or disclosures of such information that are not permitted or required under subpart E of this part. (4) Ensure compliance with this subpart by its workforce.
164.308(a)(4)(i)	<i>Information access management.</i> Implement policies and procedures for authorizing access to electronic protected health information that are consistent with the applicable requirements of subpart E of this part.
164.310(c)	<i>Workstation security.</i> Implement physical safeguards for all workstations that access electronic protected health information, to restrict access to authorized users.

REFERENCE TABLE

JCAHO

Citation	Requirement
Standard RI.2.50	Consent is obtained for recording or filming made for purposes other than the identification, diagnosis, or treatment of the patients.
Elements of Performance for RI.2.50	<ol style="list-style-type: none"> 1. When recording or filming are to be used only for internal organizational purposes (for example, performance improvement and education), there is documentation of consent, which may be obtained as part of general consent to treatment or another form, if a statement is included in the form regarding the use of recordings or filming for such internal purposes. 2. When recording or films are made for external purposes that will be heard or seen by the public (for example, commercial filming, television programs, marketing), there is documentation of a specific, separate consent that includes the circumstances of the use of the recording or film. 3. Except for the circumstances set forth in EP 4(below), there is documentation of consent before recording or filming. 4. The following occurs in situations in which the patient is unable to give informed consent before recording or filming: <ul style="list-style-type: none"> • The recording or filming may occur before consent, provided it is within the established policy of the hospital and the policy is established through an appropriate ethical mechanism (for example, an ethics committee) that includes community input • The recording or film remains in the hospital's possession and is not used for any purpose until and unless consent is obtained • If consent for use cannot subsequently be obtained, the recording or film is either destroyed or the nonconsenting patient must be removed from the recording or film 5. Patients have the right to request cessation of recording or filming. 6. Patients have the right to rescind consent for use up until a reasonable time before the recording or film is used. 7. Anyone who engages in recording or filming (who is not already bound by the hospital's confidentiality policy) signs a confidentiality statement to protect the patient's identity and confidential information.