

 <p style="text-align: center;">Heritage Provider Network & Affiliated Medical Groups</p>	Program: Compliance			
	Policy No.	Effective Date: 01/01/2012	Page - 1 -	
	Authored by: Compliance Committee	Date: 01/01/2012	Revised by: Sandy Finley	Date: 02/02/2015
	Approved by: Compliance Committee	Date: 02/02/2015		
Title of Policy: Covered Entities Compliance with State Laws				

PURPOSE:

To specify and comply where compliance with state law is required.

POLICY:

Heritage Provider Network and its Affiliated Medical Groups will abide by privacy standards which preempt state laws whenever HIPAA privacy requirements are contrary to state law with the following exceptions:

1. State laws that Department of Health and Human Services (HHS) establishes as required to prevent fraud and abuse, to ensure appropriate regulation of insurance and health plans, and which are necessary for state reporting on health care delivery, and other purposes.
2. State laws that relate to controlled substances.
3. State laws that are more stringent than HIPAA
Where state law provides for reporting disease, injury, child abuse, birth, death, or for public health initiatives.

These exceptions will remain in effect until:

1. Either state law or federal regulation, requirement, or implementation specification materially changes.
2. HHS revokes the exception.
3. If the state law is more stringent related to HIPAA, the Covered Entity will follow the state requirement.

RESPONSIBILITY:

HIPAA/Compliance Officer and Corporate Compliance Officer

PROCEDURE:

Heritage Provider Network and its Affiliated Medical Groups shall abide by HIPAA regulations except for the above mentioned exceptions where the state law supersedes.

1. Any state law considered unclear, whether or not it falls into the exception category, will be reported to the HIPAA/Compliance Officer for clarification.
2. All reported cases will be brought before the Compliance Committee for interpretation.
3. In the event the committee cannot make a clear distinction, the case will be forwarded to counsel for clarification.

REFERENCE: 45 C.F.R. §160.203 Privacy Standards.