

# HIPAA Information

## ASSISTED LIVING PROVIDERS

The Health Insurance Portability and Accountability Act (HIPAA) defines and limits when a covered entity may use or share a person's protected health information (PHI). Assisted Living providers are considered covered entities.

A covered entity (CE) may not use or disclose PHI except:

- As HIPAA permits or requires; or
- As authorized in writing by the person who is the subject of the information (or their representative)

HIPAA lets CEs share health information about their assisted living residents with MDH. MDH is a government agency responsible for license oversight and ensuring compliance with assisted living laws.

There is:

- No HIPAA violation when a CE shares PHI with a government agency that is responsible for compliance
- No need for a CE to get a release of information signed by a resident/client to share the PHI

An MDH surveyor is required to review resident health records, including assessments, service and care plans, medication lists, documentation of services provided and other resident records. HIPAA allows MDH to review and get copies of this information. There is no need for a signed release from the resident. If MDH plans to observe or discuss care directly with a resident, the surveyor will ask the resident for permission.

## Links

- [Health Insurance Portability and Accountability Act \(https://www.hhs.gov/hipaa/index.html\)](https://www.hhs.gov/hipaa/index.html)
- [Summary of the HIPAA Privacy Rule \(https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html\)](https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html)
- [Covered Entities and Business Associates \(https://www.hhs.gov/hipaa/for-professionals/covered-entities/index.html\)](https://www.hhs.gov/hipaa/for-professionals/covered-entities/index.html)

State Evaluations

Health Regulation Division

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[Assisted Living \(https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html\)](https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html)

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*To obtain this information in a different format, call: 651-201-4200.*