

## LETTERHEAD

Date XXXX  
TO Privacy Officer XXXXX  
Address XXXX

Dear Privacy Offer,

We value patient privacy and have designed and implemented standard processes that comply with the Federal Privacy Rule. In doing so, we have improved our understanding of how we can share medical records with other providers for the purposes of treatment, payment and health care operations.

We are writing you with a request that has created some confusion in the past. As a covered entity, our policy is to request medical information from other providers only when required and as allowed under the Rule.

- Prior studies aid our radiologists in rendering a meaningful interpretation of the current study which is an activity listed in paragraph (2) of the definition of "health care operations."
- Breast biopsy results help us satisfy the requirements of our MQSA certified mammography program, which is an activity listed in paragraph (2) of the definition of "health care operations."

We feel that the guidance from the Office for Civil Rights (OCR), Department of Health and Human Services, clears the air for us to request the above. The following explains the reasoning.

Due to an amendment to the Rule that occurred in August of 2002, in a subsequent publication dated December 3, 2002, the OCR outlined how providers may exchange information for treatment, payment or health care operations (TPO).

The following is an excerpt from that guidance (General Provisions 45 CFR 164.506), which is analogous to our requests for prior studies and certain lab results:

- A covered entity may disclose protected health information for the treatment activities of any health care provider (including providers not covered by the Rule)

*For example:*

- In order to provide the patient with an expedient and quality

exam (the intent of this law) mammography films and reports can be released to a mammography facility where a patient has made an appointment prior to the patient arriving at the facility.

- In order to provide the patient with an expedient and quality exam a primary care provider may send a copy of an individual's medical record to a specialist who needs the information to treat the individual.

The same document contains an example of how providers may exchange information for their health care operations. Following is that excerpt, which is analogous to our requests for breast biopsy results:

- A covered entity may disclose protected health information to another covered entity for certain health care operation activities of the entity that receives the information if each entity either has or had a relationship (providing a medical service in this instance) with the individual who is the subject of the information, and the protected health information pertains to the relationship; and the disclosure is for a quality-related health care operations activity (i.e., the activities listed in paragraphs (1) and (2) of the definition of "health care operations" at 45 CFR 164.501) or for the purpose of health care fraud and abuse detection or compliance.

*For example:*

- A health care provider may disclose biopsy results for the purpose of the medical outcomes audit which is mandated by MQSA as part of the quality-related health care operations activity.

Thank you for your assistance in completing this request. Please send the requested information to our imaging center. If you have any questions, please call me.

Sincerely,

Privacy Coordinator, XXXXXXXX