


**BARNABAS HEALTH**  
**POLICY # HIE-9**  
**INFORMATION TECHNOLOGY AND SERVICES**  
**POLICY**

**TITLE:** Permitted Uses & Prohibited Uses

**EFFECTIVE DATE:** 6/18/2015

**APPROVED BY:** 

System: System Chief Information Officer/  
Barnabas Health

Date: 8/6/2015

**ATTACHMENTS:**

None

**PURPOSE:**

To ensure that healthcare information is used and accessed only as authorized under federal and state law and these BHIE Policies, and that Participants and Authorized Users have proper measures in place to assure Data is used only for Permitted Uses.

**POLICIES:**

1. Permitted Uses

- a. Each Participant and Authorized User shall provide, access, use or request Data through the BHIE only to the extent necessary and only for those purposes that are permitted by applicable federal, state, and local laws and regulations, the controlling terms of an executed Participation Agreement, the Authorized User Agreement, and these BHIE Policies.
- b. As of the date hereof, Data *may* be requested and/or accessed from the BHIE by a Participant or Authorized User of the BHIE for the following Permitted Uses:
  - i. Treatment Purposes:
    - Participants may access and use of Data for the *provision, coordination, or management* of health care and related services by

one or more health care providers, including the coordination or management of health care by a health care provider with a third party; *consultation* between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another.

- Access and use of Data for Treatment Purposes will not require any additional Authorization from Participants or Authorized Users of the BHIE, unless otherwise required by law. Signing of the Participant Agreement shall be deemed implied approval of inclusion and use of Data for Treatment Purposes.

## 2. Other Uses.

- a. Except for the Permitted Uses set forth above, all other uses and/or disclosures of Data through the BHIE by Participants and their Authorized Users **shall require agreement from the specifically affected BHIE Participant(s) AND**, if required under applicable law, then also the *Patient*, even if such use and/or disclosure may otherwise be allowed under HIPAA without written authorization. Any such Other Uses agreed upon by the Participants shall be defined in scope and attached as an "Addendum" to the applicable Participation Agreement.

## 3. Prohibited Uses

- a. Information may NOT under any circumstances be requested for or disclosed to another Participant and Authorized User for any purposes other than one of the Permitted Uses, as such list may be amended from time to time.
- b. Use of unencrypted e-mails to transmit Data pulled from the BHIE is considered a violation of the BHIE Policies governing the security of such information.
- c. In no way limiting the foregoing, the following **PROHIBITED** uses and purposes shall be adhered to, and NO Participant or Authorized User, or Business Associate of a Participant or Authorized User, including Barnabas Health as a Business Associate of the BHIE, shall access or use Data or any information from another Participant:
  - i. for Marketing purposes (as defined under HIPAA)
  - ii. for Remuneration or commercial ventures or other uses that personally benefit the Participant or Authorized User solely;
  - iii. without prior written consent or authorization of the Patient or Participant, when required by law;
  - iv. if access or use is prohibited by the laws of state and/or federal law; or
  - v. For any use or purpose intended to *discriminate* against a Patient.

**QUALIFICATIONS: NA**

**EQUIPMENT: NA**

**PROCEDURE: NA**

**DOCUMENTATION: NA**

**INFECTION CONTROL: NA**

**SAFETY: NA**

**SECURITY OVERSIGHT GROUP (SOG) Approve for Release:**

**REFERENCES:**

**ORIGINAL DATE: 6/18/2015**

**REVIEWED DATE(S):**

**REVISED DATE(S):**