

INTRODUCTION

This Privacy Handbook sets out the procedures of the Massachusetts Department of Mental Health for creating, using and disclosing the Protected Health Information of individuals who apply for and/or receive DMH services.

The Health Insurance Portability and Accountability Act (HIPAA) is a federal law (Public Law 104-191) that, in part, protects both an individual's right to keep and/or transfer his/her health insurance when moving from one job to another and the privacy of the individual's Protected Health Information (PHI). PHI is defined as individually identifiable information relating to the past, present or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present or future payment for health care provided to an individual. Federal regulations (45 CFR Parts 160 and 164) implement the privacy portion of HIPAA. The privacy portion of HIPAA became effective on April 14, 2003.

The Massachusetts Department of Mental Health (DMH) is considered a Health Care Provider under HIPAA. As such, DMH is required to have policies and procedures that comply with HIPAA. However, under HIPAA, any state law or regulation that offers individuals more protection or more privacy rights supercedes HIPAA. Thus, in implementing HIPAA, DMH must ensure that its policies and procedures also comply with state law.

DMH Policy #03-2, Management of Protected Health Information, effective April 14, 2003, was issued to establish the overall structure of DMH's compliance with HIPAA privacy regulations and applicable state privacy laws. This policy mandates the development and use of the DMH Privacy Handbook. This Handbook contains DMH's procedures for collecting, using, maintaining, disclosing and otherwise protecting PHI. All DMH Workforce Members must follow the procedures as set forth in the Handbook. For the purpose of this Handbook, a DMH Workforce Member is defined as an employee, volunteer, trainee, or other person whose conduct in the performance of work for DMH is under the direct control of DMH, regardless of whether he or she is paid by a DMH office, facility or program.

DMH Policy #03-2 also directs DMH to appoint a Privacy Officer. The Privacy Officer is the DMH administrator responsible for the development, implementation, maintenance and adherence of department-wide policies and procedures related to safeguarding PHI. Any questions regarding HIPAA, state privacy laws, DMH Policy #03-2, Management of Protected Health Information, or this Handbook can be directed to the DMH Privacy Officer who can be reached by e-mail at PrivacyOfficer@DMH.state.ma.us or by phone at 617-626-8160.