



Office of Regulatory Compliance

HIPAA Policy 3.4

Title:	Conditioning Receipt of Services on Providing Authorization
Source:	Office of Regulatory Compliance
Prepared by:	Assistant Vice Chancellor for Regulatory Affairs
Approved by:	Vice Chancellor for Research
Effective Date:	July 1, 2013
Replaces:	02/26/03
Applies:	All UCD campuses

Introduction

Purpose

The purpose of this policy is to identify those circumstances under which the UCD may, or may not, condition the provision of treatment, payment, enrollment in a health plan, or eligibility for benefits on an individual providing an authorization.

Reference

45 C.F.R. § 164.508

Applicability

It is the responsibility of all members of the UCD workforce to ensure that the provision of treatment, payment, enrollment in a health plan, or eligibility for benefits is not conditioned upon an individual providing an authorization unless specifically permitted below.

Policy

HIPAA prohibits the UCD from conditioning the provision to an individual of treatment, payment, enrollment in a health plan, or eligibility for benefits on the provision of an authorization for the use or disclosure of PHI, except:

- A. The UCD may deny research-related treatment or limit enrollment in a clinical study unless an authorization is provided to use or disclose the PHI for the research;
- B. The UCD may condition the provision of health care that is solely for the purpose of creating PHI for disclosure to a third party on the provision of an authorization permitting the disclosure of that PHI to the third party;
- C. The UCD may condition enrollment in a health plan or eligibility for benefits on the provision of an authorization requested by the health plan prior to an individual's enrollment in the plan, if:
 - 1. The authorization is for the health plan's eligibility or enrollment determinations relating to the individual or for its underwriting or risk rating determination; and
 - 2. The authorization is not for a use or disclosure of psychotherapy notes.