**Sale of Protected Health Information (PHI)**

## **1. Purpose**

The purpose of this policy is to establish guidelines for the sale of Protected Health Information (PHI) in compliance with the Health Insurance Portability and Accountability Act (HIPAA) and applicable state laws. This policy aims to protect the privacy and confidentiality of individuals' health information while allowing for potential revenue generation through permissible sales of PHI.

## **2. Scope**

This policy applies to all employees, contractors, and agents of **[Organization Name]** who have access to PHI and are involved in the sale of PHI.

## **3. Definitions**

1. **Protected Health Information (PHI):** Any individually identifiable health information that is transmitted or maintained in any form or medium, including oral, written, or electronic.
2. **Sale of PHI:** The disclosure of PHI by a covered entity to a third party in exchange for remuneration, including cash, services, or any other form of compensation.
3. **Remuneration:** Any direct or indirect payment or other benefit received in exchange for PHI.

## **4. Policy Statement**

**[Organization Name]** prohibits the sale of PHI without meeting the requirements set forth in HIPAA and applicable state laws. The sale of PHI will only occur under the following conditions:

### **4.1 Permissible Sales**

The sale of PHI is permissible only if:

* **Individual Authorization:** Written authorization is obtained from the individual whose PHI is being sold. The authorization must clearly state the information being sold, the purpose of the sale, and the remuneration involved.
* **De-identified Data:** The PHI has been de-identified in accordance with HIPAA standards, ensuring that the data cannot be used to identify an individual.
* **Limited Data Set:** The sale involves a limited data set, which excludes certain direct identifiers and meets HIPAA's definition of a limited data set.

### **4.2 Prohibited Sales**

The sale of PHI is strictly prohibited in the following circumstances:

* Sales of PHI that do not meet the criteria outlined in Section 4.1.
* Sales of PHI for marketing purposes without individual authorization.
* Sales of PHI that violate state or federal laws.

## **5. Procedures**

### **5.1 Request for Sale of PHI**

* Employees must submit a written request to the Compliance Officer for any proposed sale of PHI, including the purpose, potential buyers, and compensation details.
* The Compliance Officer will review the request to ensure it complies with this policy and HIPAA regulations.

### **5.2 Documentation**

* All approved sales of PHI must be documented, including:
  + A copy of the individual's authorization (if applicable)
  + Details of the PHI sold
  + The recipient's identity
  + The purpose of the sale
  + The amount of remuneration received
* Documentation must be maintained for a minimum of six years from the date of the transaction.

### **5.3 Training and Awareness**

* All employees with access to PHI will receive training on this policy and HIPAA requirements related to the sale of PHI.
* Periodic audits will be conducted to ensure compliance with this policy.

## **6. Enforcement**

Failure to comply with this policy may result in disciplinary action, up to and including termination of employment. Legal action may also be pursued if violations result in harm to individuals or the organization.

## **7. Policy Review**

This policy will be reviewed annually or as needed to ensure compliance with changes in HIPAA regulations and organizational practices.