



Bureau of TennCare Policy Manual

Policy No. : HIP 06-014
Subject: De-identification of Enrollee Records
Date: September 1, 2006
Approved by: <i>Darrell J. Gadsden</i> Date: <i>9/1/06</i>

PURPOSE OF POLICY

This policy addresses how the Bureau of TennCare (the Bureau) may de-identify enrollee protected health information (PHI) as required by The Health Insurance Portability and Accountability Act of 1996 (HIPAA).

POLICY

The Bureau will de-identify individually identifiable information by removing specific identifiers within an enrollee's record when required by HIPAA or other Bureau policies. The Bureau will provide enrollees with all the privacy rights granted by HIPAA and by federal and state laws and regulations.

DISCUSSION & LEGAL BASIS

Enrollee information can be de-identified so that it cannot be used alone or combined with other information to identify an enrollee.

Health information with no reasonable basis that the information can be used to identify an enrollee is not individually identifiable health information and may be disclosed.

The Bureau and its Business Associates may use PHI to create information that is not individually identifiable. However, de-identified information that has been re-identified in any form cannot be disclosed except as permitted or required under HIPAA or Bureau policies and procedures.

PROCEDURE

1. The Bureau will remove specific identifiers, including, but not limited to:
 - a. Names

- b. Street address, city, county, precinct, last 2 digits of the zip code; however, the initial three digits of a zip code may remain on the information if, according to current publicly-available data from the Bureau of the Census, the geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and the initial three digits for all such geographic units containing 20,000 or fewer people is changed to 000
- c. Dates (except year) for birth date, admission date, discharge date, date of death
- d. Telephone numbers
- e. Fax Numbers
- f. E-mail addresses
- g. Social Security numbers
- h. Medical Record numbers
- i. Health plan beneficiary numbers
- j. Account numbers
- k. Certificate/license numbers
- l. Vehicle serial and license plate numbers
- m. Device identifiers and serial numbers
- n. URLs & IP address numbers
- o. Finger and Voice prints
- p. Full face photographs
- q. Any other unique code, identifier or information that the Bureau reasonably believes could be used alone or in combination with other information to identify an individual

*For electronic files, identifiers must be removed and not simply hidden.

- 2. HIPAA provides two specifications for implementation of de-identification of health information:
 - a. Health information is not individually identifiable if generally accepted statistical and scientific principles and methods are applied to render information not individually identifiable, leaving a very slight risk that the information could be used alone or in combination with other information to identify an individual; OR
 - b. Specific identifiers of the individual or of relatives, employers, or household members of the individual are removed
- 3. Bureau shall assign a code or other means of record identification to allow information de-identified under this policy to be re-identified by the Bureau, except that:
 - a. The code or other means of record identification is not derived from or related to information about the individual and cannot otherwise be translated to identify the individual; and

- b. The Bureau does not use or disclose the code or other means of record identification for any other purpose, and does not disclose the mechanism for re-identification.

DEFINITIONS

De-identified protected health information: means health information that does not identify an enrollee with no reasonable basis to believe that the information can be used to identify the enrollee.

Enrollee: means those currently enrolled in all categories of TennCare Medicaid and TennCare Standard, including an individual eligible for and enrolled in the TennCare Program or in any Tennessee federal Medicaid waiver program pursuant to Sections 1115 or 1915 of the Social Security Act; and, for purposes of the Bureau Privacy policies, the term may also be used to reference one who was previously an enrollee during a period for which there is a privacy request or compliance inquiry.

HIPAA: means Health Insurance Portability and Accountability Act of 1996 and for which administrative simplification, privacy, and security regulations are codified at 45 Code of Federal Regulations, Parts 160-164.

Individually identifiable health information: means health information that specifically identifies an enrollee.

Limited data set: means PHI that excludes direct identifiers (e.g. names, address, social security numbers) of the individual, relatives, employers or household members.

Protected Health Information (PHI): means medical or health information, including non-medical facts such as address or date of birth, which identify an individual.

Summary health information: means information that summarizes enrollee claims history, expenses or types of claims that may be individually identifiable information except that it has been "de-identified" according to the above.*

OFFICE OF PRIMARY RESPONSIBILITY

TennCare Privacy Officer, Office of General Counsel

RELATED FORMS

None

REFERENCES

45 CFR § 160.103

45 CFR § 164.501

45 CFR § 164.502
45 CFR § 164.514