

**441—9.2(17A,22) Definitions.** As used in this chapter:

“*Business associate*” means the same as defined in 45 CFR §160.103 as amended to March 26, 2013.

“*Client*” means a person who has applied for or received services or assistance from the department.

“*Confidential record*” in these rules means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the agency is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“*Covered entity*” means the same as defined in 45 CFR §160.103 as amended to March 26, 2013.

“*Custodian*” means the director of the department or the director’s designee.

“*Data aggregation*” is the same as defined in 45 CFR §164.501 as amended to March 26, 2013.

“*Designated record set*” is the same as defined in 45 CFR §164.501 as amended to March 26, 2013, including:

1. The medical records about subjects that are maintained for facilities;
2. The enrollment, payment, and eligibility record systems maintained for Medicaid; or
3. The enrollment, payment, and eligibility record systems maintained for the hawki program that are used, in whole or in part, by the hawki program to make decisions about subjects.

For purposes of this definition, the term “record” means the same as defined in 45 CFR §164.501 as amended to March 26, 2013.

“*Disclosure*” means the same as defined in 45 CFR §160.103 as amended to March 26, 2013.

“*Facility*” or “*facilities*” means, with respect to HIPAA rules about health information, one or more of these department institutions: Cherokee Mental Health Institute, Glenwood Resource Center, Independence Mental Health Institute, and Woodward Resource Center.

“*Health care*” means the same as defined in 45 CFR §160.103 as amended to March 26, 2013.

“*Health care clearinghouse*” means the same as defined in 45 CFR §160.103 as amended to March 26, 2013.

“*Health care operations*” for covered entities in the department has the same definition as that stated in 45 CFR §164.501 as amended to March 26, 2013.

“*Health care provider*” means the same as defined in 45 CFR §160.103 as amended to March 26, 2013.

“*Health information*” means the same as defined in 45 CFR §160.103 as amended to March 26, 2013.

“*Health oversight agency*” means the same as defined in 45 CFR §164.501 as amended to March 26, 2013.

“*Health plan*” means an individual or group plan that provides or pays the cost of medical care, as defined at 45 CFR §160.103 as amended to March 26, 2013. In the department, “health plan” means Medicaid or hawki.

“*HIPAA*” means the Health Insurance Portability and Accountability Act of 1996.

“*Law enforcement official*” means an officer or employee of any agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, who is empowered by law to:

1. Investigate or conduct an official inquiry into a potential violation of law; or
2. Prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

“*Legal representative*” is a person recognized by law as standing in the place or representing the interests of another for one or more purposes.

“*Mental health information*” means oral, written, or otherwise recorded information which indicates the identity of a person receiving professional services (as defined in Iowa Code section 228.1(8)) and which relates to the diagnosis, course, or treatment of the person’s mental or emotional condition.

“*Open record*” means a record other than a confidential record.

*“Payment,”* with respect protected health information, has the same definition as that stated in 45 CFR §164.501 as amended to March 26, 2013. In the department, “payment” applies to subjects for whom health care coverage is provided under the Medicaid program or the hawki program.

*“Personally identifiable information”* means information about or pertaining to the subject of a record which identifies the subject and which is contained in a record system.

*“Personal representative”* means someone designated by another as standing in the other’s place or representing the other’s interests for one or more purposes. The term “personal representative” includes, but is not limited to, a legal representative. For disclosure of protected health information, the definition of “personal representative” is more restrictive, as described at rule 441—9.15(17A,22).

*“Protected health information”* means the same as defined in 45 CFR §160.103 as amended to March 26, 2013.

*“Psychotherapy notes”* means the same as defined in 45 CFR §164.501 as amended to March 26, 2013.

*“Public health authority”* means the same as defined in 45 CFR §164.501 as amended to March 26, 2013.

*“Record”* means the whole or a part of a “public record” as defined in Iowa Code section 22.1 that is owned by or in the physical possession of the department.

*“Record system”* means any group of records under the control of the department from which a record may be retrieved by a personal identifier such as the name of a subject, number, symbol, or other unique identifier assigned to a subject.

*“Subject”* means the person who is the subject of the record, whether living or deceased.

*“Substance abuse information”* means information which indicates the identity, diagnosis, prognosis, or treatment of any person in an alcohol or drug abuse program.

*“Transaction”* means the same as defined in 45 CFR §160.103 as amended to March 26, 2013.

*“Treatment”* means the same as defined in 45 CFR §164.501 as amended to March 26, 2013.

*“Use,”* with respect to protected health information, means the same as defined in 45 CFR §160.103 as amended to March 26, 2013.

*“Workforce,”* with respect to protected health information, means the same as defined in 45 CFR §160.103 as amended to March 26, 2013.

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