

Ms. Alman:

The Oregon Health Authority (OHA) received your recent request for access to your protected health information (PHI) and metadata contained within OHA's All Payer All Claims (APAC) database. In support of your request, you cited Section 164.524 of the Health Insurance Portability and Accountability Act (HIPAA).

While it is the policy of the State of Oregon that an individual has the right to access and review PHI of the individual, Oregon laws defer to HIPAA in detailing these rights. HIPAA permits an individual to access PHI contained within a designated record set maintained by or on behalf of a covered entity. As defined in HIPAA, a "designated record set" refers to records maintained by or for a covered entity that is: (i) the medical records and billing records about individuals maintained by or for a covered health care provider; (ii) the enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan; or (iii) used, in whole or in part, by or for the covered entity to make decisions about individuals.

HIPAA does not require a covered entity to provide access to all individually identifiable health information maintained by such covered entity, because – according to the US Department of Health and Human Services – “the benefits of access to information not used to make decisions about individuals is limited and is outweighed by the burdens on covered entities of locating, retrieving, and providing access to such information. Such information may be found in many types of records that include significant information not relevant to the individual as well as information about other persons.” *Standards for Privacy of Individually Identifiable Health Information, 65 Fed. Reg. 82606 (Dec. 18, 2000)*. As you noted in your request, Milliman has the ability to develop crosswalks between the various fields of data. However, to date, OHA has not requested that its vendor develop algorithms to crosswalk patient or member specific data.

The records maintained by APAC consist of certain data elements extracted from the records submitted by providers and health plans. This information is not used by APAC to make any decisions about an individual, but is instead used to analyze the effectiveness of the health care system in Oregon as a whole. Accordingly, as the information maintained by APAC is not a designated record set for HIPAA purposes, it is not subject to the same access rights. If you have questions about your medical claims, you may wish to obtain copies of these documents from your health plan.

Please let me know if you have any questions.

Thank you,

*Keely L. West, J.D.*

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