

## **HIPAA INFORMATION**

### **For United Orthopedic Sales and Marketing Personnel**

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The purpose of this handout is to provide general information regarding the Health Insurance Portability and Accountability Act of 1996, as amended (collectively “HIPAA”) to United Sales and Marketing Personnel, including independent agents and representatives (collectively “United Personnel”). It is not intended to be exhaustive in explaining how HIPAA works, but rather to provide high level information regarding the most commonly used terms and concepts contained in HIPAA as well as United’s policy regarding certain of HIPAA’s requirements.

#### **What is Protected Health Information?**

“Protected Health Information” or “PHI” is information specific to an individual and relating to their health that is protected from certain disclosures under HIPAA. Examples of PHI include name, date of birth, social security number, diagnoses such as diabetes or HIV+ status, *etc.* PHI is considered private to the individual and HIPAA extends certain protections to PHI that are intended to keep personal information out of the hands of third parties. Put simply, a third party has no right to view or maintain an individual’s PHI without that individual’s written consent.

#### **What are Business Associate Agreements/Is United Orthopedic a Business Associate?**

“Business Associate Agreements” or “BAAs” are agreements required of third parties who provide services on behalf of a hospital, a physician, or any other entity considered to be a “Covered Recipient” under HIPAA. Examples include accountants, lawyers, auditors, and other personnel who provide services to a Covered Recipient which services *require* access to PHI of the Covered Entity’s patients or customers. Examples of Covered Recipients include health care professionals, hospitals, surgery centers, *etc.*

United is likely not a Business Associate as that term is defined in HIPAA. That said, United Personnel may be asked to sign a BAA. If you are presented with a BAA, please alert the United compliance department so that they may handle communicating with the entity requesting such agreement. ***You are not permitted to sign the BAA on behalf of United.*** United’s standard response to such a request is to suggest entry into a confidentiality agreement regarding any PHI to which United Personnel may have exposure. These agreements and discussions must be handled by United corporate and United Personnel must forward all such requests to United corporate promptly upon receipt.

#### **What are Your Obligations if You Encounter PHI?**

United does not request or require PHI for any aspect of its business. It does, however, happen from time to time that United Personnel encounter PHI in the provision of products and services to our customers. In the event of such an occurrence, all PHI must be held in the highest of confidence by the applicable United Personnel and, when possible, redacted from any documents which are maintained by United Personnel. ***Under no circumstances*** may the PHI of any individual be utilized for personal gain of any sort or shared for any reason with any third party by any United personnel.

## **What are the Penalties for Violating HIPAA?**

The federal government has enacted a variety of fines, sanctions, and remedial actions which are available to it in the event that it finds a business or individual has violated the privacy provisions of HIPAA. Violations of HIPAA can give rise to both civil and criminal liability. Additionally, a violation of United's directives contained in this Handout will result in disciplinary action on the part of United up to and including termination.

## **Where to Get Help?**

If you have any questions about the information contained in this Handout or if you find that you need guidance regarding a specific situation that you encounter, please contact United's compliance department at [us.compliance@unitedorthopedic.com](mailto:us.compliance@unitedorthopedic.com).