

HIPAA Authorization

The purpose of this policy is to provide guidance to faculty regarding patient's Protected Health Information (PHI) to satisfy applicable HIPAA requirements.

POLICY

It is the policy of AO North America, Inc. (AO NA) that all faculty are required to obtain patient's written authorization to use/disclose the Patient's PHI, with such authorization satisfying applicable HIPAA requirements set forth in 45 C.F.R. 164.508 and applicable State law requirements (a "HIPAA Authorization") prior to providing AO NA with any Media that contains the Patient's PHI. Further, to the extent that the Patient is identifiable in the Media, faculty should obtain the Patient's consent and release to use and manipulate (i.e., crop, blur) the Patient's image (visual/audio characteristics) for the purpose of using the Media in educational and instructional events.

- a. The Surgeon has a professional relationship with the Patient and is therefore in the best position to request and obtain the Patient's written authorization to disclose the Patient's PHI and to use the Patient's image for teaching and learning purposes.
- b. In addition to the requirements under HIPAA, the HIPAA Authorization must satisfy applicable law for the State in which the procedure is performed. Each Surgeon would have knowledge of the State-specific requirements and would be in a better position to ensure the validity of the Patient's HIPAA Authorization.
- c. Faculty are required to represent that they have obtained the Patient's HIPAA Authorization and consent and release to use the Patient's image prior to the Physician providing the Media to AO NA for educational and instructional purposes. Faculty agree to indemnify, defend and hold AO NA harmless from any and all third-party claims or fines that result from the surgeon's failure to obtain the HIPAA Authorization or consent and release prior to disclosing the Media to AO NA. Faculty will agree to such obligations in writing.
 - C1. In addition to the requirements under HIPAA, the HIPAA Authorization must satisfy applicable law or the State in which the procedure is performed. Each Surgeon would have knowledge of the State-specific requirements and would be in a better position to ensure the validity of the Patient's HIPAA Authorization.
 - C2. Faculty will also maintain and store such documentation for a period of 6 years to align with the accreditation cycle of AO NA.

This HIPAA Authorization was last updated in October 2020.