



Eric J. Holcomb  
*Governor*

Kristina M. Box, MD, FACOG  
*State Health Commissioner*

March 23, 2023

Dear Health Care Provider,

The purpose of this letter is to address any concerns about the release of Protected Health Information (PHI) for the purpose of survey and certification activities.

Standards for Privacy of Individually Identifiable Health Information, otherwise known as the Health Insurance Portability and Accountability Act or the "HIPAA Privacy Rule," guarantee certain privacy rights to individuals. See 45 CFR parts 160 and 164. The HIPAA Privacy Rule provides that PHI may be used and disclosed without the authorization of the subject of that information, to the extent a law requires the production of that information. 45 CFR 164.512(a). The HIPAA Privacy Rule also provides an exception for Health Oversight Agencies which may use PHI without the authorization of the subject of that information for health oversight activities that are authorized by law. Examples of health oversight activities include survey, inspection, complaint investigation, and other activities for which health information is necessary to determine compliance with program standards for entities subject to government regulations. See 45 CFR 164.512(d).

An individual's authorization is not required for information supplied to Indiana Department of Health (IDOH) surveyors. IDOH is authorized to obtain this information under an agreement with the Center for Medicare and Medicaid Services within the United States Department of Health and Human Services and the Office of Medicaid Policy and Planning within the Indiana Family and Social Services Administration. Indiana law also authorizes such disclosures to conduct health oversight activities. Ind. Code §§ 16-28-1-13 and 16-28-9-3. The IDOH is a Health Oversight Agency and requires PHI to determine compliance with program standards for nursing homes, residential care facilities, hospitals, ambulatory surgical centers, intermediate care facilities for individuals with intellectual disabilities, home health agencies, end stage renal disease facilities, hospice agencies, personal care service agencies, rural and federally qualified health clinics, and others.

IDOH and its employees limit the uses and disclosures of PHI to the minimum necessary to accomplish our regulatory purposes, and IDOH will not use the records to investigate the individual patient whose records have been obtained. Disclosures made pursuant to law that mandate the production of information are not subject to any limitations under the HIPAA Privacy Rule so long as the disclosure complies with and is limited to the relevant requirements of the law.

If you have any questions, please email me at: [JStover1@health.in.gov](mailto:JStover1@health.in.gov)

Jordan Stover

A handwritten signature in black ink, appearing to read 'Jordan Stover'.

Assistant Commissioner  
Consumer Services & Health Care Regulation

To **promote**, **protect**, and **improve** the health and safety of all Hoosiers.