

MHS HIPAA Policy

MHS adheres to the regulations set forth by the United States Congress in the Health Insurance Portability and Accountability Act (HIPAA). Providing assessment services through electronic transmission for U.S. customers makes MHS subject to regulations under HIPAA. HIPAA covers any information about past, present or future mental or physical health including information about payment for care. Identifying information including but not limited to: name, address, telephone number, email, Social Security number is called "protected health information" or PHI. This does not include anonymous results collected in a research capacity with consenting participants or information that is not personal.

MHS collects information submitted through voluntary means for the use of providing business services. The use of this information is limited to the purposes of providing the services and is safeguarded throughout using industry best practices.

Access to medical records: HIPAA provides that all individuals have a qualified right to access individual identifiable health information specific to their own person as held by a healthcare provider. MHS adheres to this regulation providing access to identifiable information excluding information which relates to trade secrets.

The Director of the Office for Civil Rights at HHS confirmed that a client's access request is subject to the trade secret exemption:

“Any requirement for disclosure of protected health information pursuant to the Privacy Rule is subject to Section 1172(e) of HIPAA, ‘Protection of Trade Secrets.’ As such, we confirm that it would not be a violation of the Privacy Rule for a covered entity to refrain from providing access to an individual's protected health information, to the extent that doing so would result in a disclosure of trade secrets.”

HHS has confirmed that the trade secret exemption applies to proprietary Test Materials. MHS holds the position that test instruments covered in these policies are trade secrets and would be compromised if made available to the public. The strict qualification process whereby purchases of MHS instruments are required to be certified and/or meet the minimum academic status, thus allowing for correct interpretation of assessment results, includes confidentiality parameters to protect the individual person.

Notice of privacy practices: MHS asserts that all purchasers and users of its instruments receive notification on how collected information is used and their rights covered under HIPAA, including but not limited to lodging complaints.

Disclosure: MHS holds in confidence detailed information regarding who has accessed individual health records for a minimum of six years. MHS will make individual identifiable information available for all qualified requests except those requesting information of trade secrets. Adhering to the requirements of HIPAA which limits information disclosed to that which

is necessary to accomplish a qualified purpose, MHS also recognises the exemptions allowed under the HIPAA act.

Complaints: Complaints can be filed with MHS by contacting the Privacy Officer and/or with the HHS Office of Civil Rights if a patient/user believes their privacy has been violated.

MHS Privacy Officer
Multi-Health Systems Inc.
3770 Victoria Park Ave.
Toronto, ON, M2H 3M6
Email: privacyofficer@mhs.com

Patients/Users Consent: MHS recognises the choice of individuals to have their medical information discussed with designated relatives or representatives where consent is provided. This right also extends to parent – child relationships where the child is a minor.

Breach Notification: MHS asserts that any breach of granting unauthorized access to individual protected health information will adhere to the requirements of notification as outlined by HIPAA where the breach creates a risk of financial, reputational or poses harm to the individual. If such a breach occurs MHS will notify the required parties outlining the details of the information accessed, actions taken to correct it and contact information for follow up and complaint by the individuals whose protected health information was breached.

MHS is not responsible for the actions of its customers and does not ensure or monitor compliance to these principles by its customers or their subsidiaries. In the event a disclosure or misuse of protected health information by a qualified user responsible for interpreting the results of MHS instruments the healthcare provider subject to penalties and legal action under HIPAA is limited to the specific qualified user and outside the control of MHS.

For inquiries regarding this policy please contact:
Privacy Officer
privacyofficer@mhs.com