



Policy: HH.3019  
Title: **De-identification of Protected Health Information**

Department: Office of Compliance  
Section: Privacy

CEO Approval: /s/ Michael Hunn 11/20/2024

Effective Date: 04/01/2003  
Revised Date: 11/07/2024

Applicable to: ☒ Medi-Cal  
☒ OneCare  
☒ PACE  
☐ Administrative

---

## I. PURPOSE

This policy describes the processes CalOptima Health must undertake, in accordance with the Health Insurance Portability and Accountability Act (HIPAA), to de-identify Protected Health Information (PHI).

## II. POLICY

A. CalOptima Health is permitted to:

1. Use PHI to create information that is not individually identifiable health information; and
2. Disclose PHI to a Business Associate to create information that is not individually identifiable health information.

B. CalOptima Health requires that a Qualified Reviewer process (Expert Reviewer Method) or Removal of Specific Identifier process (Safe Harbor Method), in accordance with this Policy and HIPAA, be Used to De-identify Member data. CalOptima Health shall also ensure that any identifiers indicating the Member's status as a recipient of public assistance are also removed from the data.

C. CalOptima Health's creation of de-identified health information is considered part of Health Care Operations. If CalOptima Health Uses a third-party to de-identify, such party must comply with this Policy and must be qualified to do so as a Business Associate and is subject to a Business Associate Agreement.

D. Health information that does not identify a Member and with respect to which there is no reasonable basis to believe that the information can be Used to identify a Member through the de-identification processes outlined in this Policy and HIPAA is not individually identifiable health information.

E. CalOptima Health shall not authorize Business Associates to de-identify Member data and/or Use or Disclose de-identified data, unless the Business Associate's underlying services provided to CalOptima Health are expressly related to such purposes.

### **III. PROCEDURE**

A. CalOptima Health shall Use (or validate the Use of) one (1) of the following methods when de-identifying health information:

1. Expert Determination Method

- a. Expert determination must be completed by a person with appropriate knowledge of, and experience with, generally accepted statistical and scientific principles and methods for rendering information not individually identifiable.
  - i. Applying such principles and methods must determine that the risk is very small that the information could be Used, alone, or in combination with, other reasonably available information, by an anticipated recipient to identify an individual who is a subject of the information; and
  - ii. Must document the methods and results of the analysis, which justify the determination that the information has been de-identified appropriately.

2. Safe Harbor Method

- a. CalOptima Health or its designated Business Associate must remove all of the following identifiers. The removal or masking of identifiers must be consistent with the level required by HIPAA regulations (Title 45, Code of Federal Regulations, Section 164.514(a)) and Office for Civil Rights (OCR) guidance and in accordance with CalOptima Health Policy ITS.1202: Technical Safeguards – Data Controls:
  - i. Name;
  - ii. Social Security number;
  - iii. Geographic subdivisions smaller than a state including:
    - a) Address;
    - b) City;
    - c) County;
    - d) Precinct; and
    - e) Zip code or equivalent geocode;
  - iv. Telephone numbers;
  - v. Facsimile numbers;
  - vi. Email address;
  - vii. Medical Record number;

viii. Health plan beneficiary number;

ix. All elements of dates (except year) for dates related to an individual:

- a) Birth date;
- b) Admission date;
- c) Discharge date;
- d) Date of death;
- e) All ages over eighty-nine (89) years; and
- f) All elements of dates (including year) indicative of age, except an aggregated single category of “ninety (90) years or older” is permissible.

x. Account number;

xi. Certificate or license number;

xii. Vehicle identifiers, serial numbers, and license plate number;

xiii. Device identifiers and serial numbers;

xiv. Web Universal Resource Locators (URLs);

xv. Internet Protocol (IP) address numbers;

xvi. Biometric identifiers, voice, and fingerprints;

xvii. Full face photographs and comparable images; and

xviii. Any other unique identifying number, characteristic, or code.

b. CalOptima Health shall also ensure:

- i. Any other identifiers reflecting or indicating the Member’s status as a recipient of public assistance are removed from the data and that the remaining data cannot be Used alone, or in combination, to identify the Member’s status as a recipient of public assistance.
- ii. There is no actual knowledge that the information could be Used alone, or in combination with, other information to identify an individual who is a subject of the information.

### 3. Re-identification of information

a. A code or other means of record identification may be assigned if:

- i. The code is not derived from, or related to, information about the individual that would allow the individual to be identified (i.e., the first four digits of a social security number).
- ii. The code is only Used by CalOptima Health to re-identify the data and the code is not released for Use by another person, or entity.

#### IV. ATTACHMENT(S)

Not Applicable

#### V. REFERENCE(S)

- A. CalOptima Health Contract with the Centers for Medicare & Medicaid Services (CMS) for Medicare Advantage
- B. CalOptima Health Contract with the Department of Health Care Services (DHCS) for Medi-Cal
- C. CalOptima Health PACE Program Agreement
- D. CalOptima Health Compliance Plan
- E. Department of Health and Human Services, Office of Civil Rights “Guidance Regarding Methods for De-Identification of Protected Health Information in Accordance with the HIPAA Privacy Rule” (November 26, 2012); <http://www.hhs.gov/hipaa/for-professionals/privacy/special-topics/de-identification/index.html>
- F. Title 45, Code of Federal Regulations (C.F.R), §§164.50, 164.502 and 164.514
- G. CalOptima Health Data Masking Safe Harbor

#### VI. REGULATORY AGENCY APPROVAL(S)

None to Date

#### VII. BOARD ACTION(S)

Date	Meeting
12/01/2016	Regular Meeting of the CalOptima Board of Directors
12/07/2017	Regular Meeting of the CalOptima Board of Directors
12/06/2018	Regular Meeting of the CalOptima Board of Directors
12/05/2019	Regular Meeting of the CalOptima Board of Directors
12/03/2020	Regular Meeting of the CalOptima Board of Directors
12/20/2021	Special Meeting of the CalOptima Board of Directors
11/07/2024	Regular Meeting of the CalOptima Health Board of Directors

#### VIII. REVISION HISTORY

Action	Date	Policy	Policy Title	Program(s)
Effective	04/2003	HH.3019	De-identification of Protected Health Information	Medi-Cal
Revised	04/01/2007	HH.3019	De-identification of Protected Health Information	Medi-Cal
Revised	08/01/2011	HH.3019	De-identification of Protected Health Information	Medi-Cal
Revised	04/01/2013	HH.3019	De-identification of Protected Health Information	Medi-Cal

<b>Action</b>	<b>Date</b>	<b>Policy</b>	<b>Policy Title</b>	<b>Program(s)</b>
Revised	09/01/2015	HH.3019	De-identification of Protected Health Information	Medi-Cal
Revised	12/01/2016	HH.3019	De-identification of Protected Health Information	Medi-Cal OneCare OneCare Connect PACE
Revised	12/07/2017	HH.3019	De-identification of Protected Health Information	Medi-Cal OneCare OneCare Connect PACE
Revised	12/06/2018	HH.3019	De-identification of Protected Health Information	Medi-Cal OneCare OneCare Connect PACE
Revised	12/05/2019	HH.3019	De-identification of Protected Health Information	Medi-Cal OneCare OneCare Connect PACE
Revised	12/03/2020	HH.3019	De-identification of Protected Health Information	Medi-Cal OneCare OneCare Connect PACE
Revised	12/20/2021	HH.3019	De-identification of Protected Health Information	Medi-Cal OneCare OneCare Connect PACE
Revised	12/31/2022	HH.3019	De-identification of Protected Health Information	Medi-Cal OneCare PACE
Revised	09/01/2023	HH.3019	De-identification of Protected Health Information	Medi-Cal OneCare PACE
Revised	11/07/2024	HH.3019	De-identification of Protected Health Information	Medi-Cal OneCare PACE

## IX. GLOSSARY

Term	Definition
Business Associate	<p>Has the meaning given such term in Section 160.103 of Title 45, Code of Federal Regulations. A person or entity who:</p> <ol style="list-style-type: none"> <li>1. On behalf of such covered entity or of an organized health care arrangement (as defined in this section) in which the covered entity participates, but other than in the capacity of a Member of the workforce of such covered entity or arrangement, creates, receives, maintains, or transmits protected health information for a function or activity regulated by this subchapter, including claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, patient safety activities listed at 42 CFR 3.20, billing, benefit management, practice management, and repricing; or</li> <li>2. Provides, other than in the capacity of a Member of the workforce of such covered entity, legal, actuarial, accounting, consulting, data aggregation (as defined in §164.501 of this subchapter), management, administrative, accreditation, or financial services to or for such covered entity, or to or for an organized health care arrangement in which the covered entity participates, where the provision of the service involves the Disclosure of protected health information from such covered entity or arrangement, or from another Business Associate of such covered entity or arrangement, to the person.</li> </ol> <p>A covered entity may be a Business Associate of another covered entity. Business Associate includes:</p> <ol style="list-style-type: none"> <li>1. A Health Information Organization, E-prescribing Gateway, or other person that provides data transmission services with respect to protected health information to a covered entity and that requires access on a routine basis to such protected health information.</li> <li>2. A person that offers a personal health record to one or more individuals on behalf of a covered entity.</li> <li>3. A subcontractor that creates, receives, maintains, or transmits protected health information on behalf of the Business Associate.</li> </ol>
De-identified Information	Health information that does not identify a Member and does not provide a reasonable basis to believe that the information can be Used to identify a Member.
Disclosure	Has the meaning in 45, Code of Federal Regulations Section 160.103 including the following: the release, transfer, provision of access to, or divulging in any manner of information outside of the entity holding the information.
Health Care Operations	Has the meaning in 42 Code of Federal Regulations Section 164.501, including: activities including quality assessment and improvement activities, care management, professional review, compliance and audits, health insurance underwriting, premium rating and other activities related to a contract and health benefits, management and administration activities, customer services, resolution of internal grievances, business planning, and development and activities related to compliance with the privacy rule.

<b>Term</b>	<b>Definition</b>
Health Insurance Portability and Accountability Act (HIPAA)	The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, was enacted on August 21, 1996. Sections 261 through 264 of HIPAA require the Secretary of the U.S. Department of Health and Human Services (HHS) to publicize standards for the electronic exchange, privacy and security of health information, and as subsequently amended.
Member	A beneficiary enrolled in a CalOptima Health Program.
Medical Record	<p><u>Medi-Cal</u>: The record of a Member's medical information including but not limited to, medical history, care or treatments received, test results, diagnoses, and prescribed medications.</p> <p><u>OneCare</u>: A Medical Record, health record, or medical chart in general is a systematic documentation of a single individual's medical history and care over time. The term "Medical Record" is Used both for the physical folder for each individual patient and for the body of information which comprises the total of each patient's health history. Medical Records are intensely personal documents and there are many ethical and legal issues surrounding them such as the degree of third-party access and appropriate storage and disposal.</p> <p><u>PACE</u>: Written documentary evidence of treatments rendered to plan Members.</p>
Protected Health Information (PHI)	<p>Has the meaning in 45 Code of Federal Regulations Section 160.103, including the following: individually identifiable health information transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium.</p> <p>This information identifies the individual or there is reasonable basis to believe the information can be Used to identify the individual. The information was created or received by Cal Optima or Business Associates and relates to:</p> <ol style="list-style-type: none"> <li>1. The past, present, or future physical or mental health or condition of a Member;</li> <li>2. The provision of health care to a Member; or</li> <li>3. Past, present, or future Payment for the provision of health care to a Member.</li> </ol>
Research	Systematic investigation, including Research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.
Use	Has the meaning in 45, Code of Federal Regulations Section 160.103, including the following: the sharing, employment, application, utilization, examination, or analysis of the PHI within an entity that maintains such information.