

**Polk County Wisconsin
DESTRUCTION/DISPOSAL OF CLIENT HEALTH INFORMATION**

Policy 601.I

Effective Date: April 15, 2003

Current Revision Date:

Policy

It is the policy of Polk County to ensure the privacy and security of protected client health information in the maintenance, retention, and eventual destruction/disposal of such media. Destruction/disposal of client health information shall be carried out in accordance with federal and state law and as defined in Polk County's retention policy. The schedule for destruction/disposal shall be suspended for records involved in any open investigation, audit, or litigation.

Key Definition

Client Health Information Media:

Any record of client health information, regardless of medium or characteristic that can be retrieved at any time. This includes all original client records, documents, papers, letters, billing statements, x-rays, films, cards, photographs, sound and video recordings, microfilm, magnetic tape, electronic media, and other information recording media, regardless of physical form or characteristic, that are generated and/or received in connection with transacting client care or business.

Procedures

1. All destruction/disposal of client health information media will be done in accordance with federal and state law and pursuant to Polk County's written retention policy/schedule. Records that have satisfied the period of retention will be destroyed/disposed of in an appropriate manner.
2. Records involved in any open investigation, audit or litigation should not be destroyed/disposed of. If notification is received that any of the above situations have occurred or there is the potential for such, the record retention schedule shall be suspended for these records until such time as the situation has been resolved. If the records have been requested in the course of a judicial or administrative hearing, a qualified protective order will be obtained to ensure that the records are returned to Polk County or properly destroyed/disposed of by the requesting party.
3. Records scheduled for destruction/disposal should be secured against unauthorized or inappropriate access until the destruction/disposal of client information is complete.

4. A contract between Polk County and a business associate must provide that, upon termination of the contract, the business associate will return or destroy/dispose of all client health information. If such return or destruction/disposal is not feasible, the contract must limit the use and disclosure of the information to the purposes that prevent its return or destruction/disposal. These requirements also apply to a health plan that discloses client health information to the plan sponsor.
5. A record of all client health information media destruction/disposal should be made and retained permanently by Polk County. Permanent retention is required because the records of destruction/disposal may become necessary to demonstrate that the client information records were destroyed/disposed of in the regular course of business. Records of destruction/disposal should include:
 - A. Date of destruction/disposal.
 - B. Method of destruction/disposal.
 - C. Description of the destroyed/disposed record series or medium.
 - D. Inclusive dates covered.
 - E. A statement that the client information records were destroyed/disposed of in the normal course of business.
 - F. The signatures of the individuals supervising and witnessing the destruction/disposal.
6. If destruction/disposal services are contracted, the contract must provide that Polk County's business associate will establish the permitted and required uses and disclosures of information by the business associate as set forth in the federal and state law (*outlined in Polk County's HIPAA Business Associate Agreement/Contract*) and include the following elements:
 - A. Specify the method of destruction/disposal.
 - B. Specify the time that will elapse between acquisition and destruction/disposal of data/media.
 - C. Establish safeguards against breaches in confidentiality.
 - D. Indemnify Polk County from loss due to unauthorized disclosure.
 - E. Require that the business associate maintain liability insurance in specified amounts at all times the contract is in effect.
 - F. Provide proof of destruction/disposal.
7. Client information media should be destroyed/disposed of using a method that ensures the client information cannot be recovered or reconstructed. Appropriate methods for destroying/disposing of media are outlined in the following table:

| Medium | Recommendation |
|--|---|
| Audiotapes | Methods for destroying/disposing of audiotapes include recycling (tape over) or pulverizing. |
| Computerized Data/ Hard Disk Drives | Methods of destruction/disposal should destroy data permanently and irreversibly. Methods may include overwriting data with a series of characters or reformatting the disk (destroying everything on it). Deleting a file on a disk does not destroy the data, but merely deletes the filename from the directory, preventing easy access of the file and making the sector available on the disk so it may be overwritten. Total data destruction does not occur until the back-up tapes have been overwritten. |
| Computer Data/ Magnetic Media | Methods may include overwriting data with a series of characters or reformatting the tape (destroying everything on it). Total data destruction does not occur until the back-up tapes have been overwritten. Magnetic degaussing will leave the sectors in random patterns with no preference to orientation, rendering previous data unrecoverable. |
| Computer Diskettes | Methods for destroying/disposing of diskettes include reformatting, pulverizing, or magnetic degaussing. |
| Laser Disks | Disks used in “write once-read many” (WORM) document imaging cannot be altered or reused, making pulverization an appropriate means of destruction/disposal. |
| Microfilm/ Microfiche | Methods for destroying/disposing of microfilm or microfiche include recycling and pulverizing. |
| PHI Labeled Devices, Containers, Equipment, Etc. | Reasonable steps should be taken to destroy or de-identify any PHI information prior to disposal of this medium. Removing labels or incineration of the medium would be appropriate. |
| Paper Records | Paper records should be destroyed/disposed of in a manner that leaves no possibility for reconstruction of information. Appropriate methods for destroying/disposing of paper records include: burning, shredding, pulping, and pulverizing. |
| Videotapes | Methods for destroying/disposing of videotapes include recycling (tape over) or pulverizing. |

8. The methods of destruction/disposal should be reassessed annually, based on current technology, accepted practices, and availability of timely and cost-effective destruction/disposal services.

Preservation or Destruction/Disposal of Client Health Records Upon Closure of a Provider Office/Practice

9. Wisconsin Statute 146.819 outlines the detailed procedures for the appropriate preservation or destruction/disposal of client health records for a health care provider who ceases to practice. The provider, or the personal representative of a deceased health care provider, shall comply with the statutes to ensure appropriate preservation, client notice, and/or destruction/disposal of the client health care records in the possession of the health care provider at the time the practice was ceased or the provider died. This statute does not apply to:
- A. Community-based residential facilities or nursing homes.
 - B. Hospitals.
 - C. Hospices.
 - D. Home Health Agencies.

References

- AHIMA Practice Brief. Destruction of Client Health Information, 2000.
- CPRI Toolkit: Managing Information Security in Health Care, Section 4.3.2. CPRI-HOST 2001.
- Briefings on HIPAA & Security, Volume 2, Number 2, February, 2001

Attachments to Policy

- Certificate of Destruction

Preemption Issues: Sec. 895.505 Wis. Stats. covering disposal of records containing personal information, including medical records.
Sec. 146.819 Wis. Stats. covering the disposition of client health records for a provider who ceases to practice.
Sec. 146.817 Wis. Stats covering Fetal tracings and microfilm copies. Must notify clients before destroying records if destroyed prior to five years after tracing is made.
HSS 132.45(4)(f)2 on retention of records.

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CERTIFICATE OF DESTRUCTION

The information described below was destroyed in the normal course of business pursuant to Polk County's retention schedule and destruction policies and procedures.

Date of Destruction:

Authorized By:

Description of Information Disposed Of/Destroyed:

Inclusive Dates Covered:

METHOD OF DESTRUCTION:

- Burning
- Overwriting
- Pulping
- Pulverizing
- Reformatting
- Shredding
- Other: _____

Records Destroyed By*:

If On Site, Witnessed By:

Department Manager:

**If records destroyed by outside firm, must confirm a contract exists*