

***HIPAA - Policy Applicable to Evidence Submitted in Support of Healthcare Business Claims***

- 1. *Overview.*** This policy is designed to implement the Causation Requirements for Healthcare Business Claimants located in Zone B, Zone C and/or Zone D and to provide specific rules intended to limit the disclosure of any individual's health information contained in documents or other materials in any physical or electronic form received by the Deepwater Horizon Economic Claims Center (the "DHECC"). The Causation Requirements for Businesses Economic Loss set forth in Exhibit 4-B to the Deepwater Horizon Economic and Property Damages Settlement Agreement as amended on May 2, 2012 ("Exhibit 4-B"), remain in full force and effect. This policy applies vertically from the Claims Administrator's office down through all contractors, subcontractors and vendors associated with the DHECC, and it will remain in force and effect for the duration of the DHECC claims process.
- 2. *Scope of this Policy.*** This policy applies to all emails and other electronic files or databases, paper documents, notes, calendars, logs, forms, worksheets, computations, or other materials in any physical or electronic form received by the DHECC from Healthcare Business Claimants, particularly those located in Zone B, Zone C and/or Zone D that submit evidence in an attempt to satisfy either the (a) Non-Local Customer Mix Test and/or the (b) Zones A-C Customer Mix Test ("Customer Mix Tests"), as set forth in Exhibit 4B.
- 3. *Healthcare Business Claimants.*** For purposes of this policy, a Healthcare Business Claimant is an entity:

  - (a) With a NAICS Code beginning with 621, 622 or 623 (Medical and Health Service Providers);
  - (b) With a NAICS Code beginning with 624 (Social Services);
  - (c) In NAICS Code 524114 (Health Insurance Providers); or
  - (d) In NAICS Code 446199 (Retailers of Medical Equipment).
- 4. *Required Affidavit.*** Submission of information for the purpose of satisfying the Customer Mix Tests shall be in the form of a notarized affidavit executed by an authorized representative of the Healthcare Business Claimant with personal knowledge of the information set forth in the affidavit. The affidavit shall contain all the following information, subject to the conditions stated in Paragraph 5 of this policy:

  - (a) An individual list of patients identified only by a randomized numeric or alpha-numeric code;
  - (b) The date(s) of service for each of the individual patients listed;
  - (c) The dollar amount of business revenue, net of contractual allowances, attributable to each of the individual patients listed; and

(d) The locale of each individual patient listed, denominated either by zone or as non-local.

A Business Economic Loss claim from a Healthcare Business Claimant shall be considered incomplete without the affidavit required by this Paragraph 4.

**5. *Protected Personal Information.*** The affidavit and any materials submitted by a Healthcare Business Claimant shall not include any of the following regarding patients (“Personal Information”):

- (a) Patient names, initials, Social Security Numbers, or other personal/confidential identifiers that would permit identification by name or address of a particular patient;
- (b) Street names, numbers or other addresses for individual patients; or
- (c) Descriptions of procedures and/or procedure codes, or other personal or confidential identifiers relating to the services provided individual patients.

The DHECC shall destroy and delete from digital images any affidavit or documents submitted by a Healthcare Business Claimant containing any Personal Information. If such materials have been scanned upon intake, all digital images containing any Personal Information shall be deleted when the DHECC determines that they contain such information. The claim shall be considered incomplete until the required affidavit has been submitted.

**6. *Implementation.*** The Claims Administrator will post an Alert and send reminders of this policy as deemed necessary to implement its terms. The Claims Administrator has the discretion to revise this policy over time, and issue updates to all of the DHECC vendors. The Claims Administrator has the right to audit compliance with this policy.

**7. *Questions.*** If you have any questions about the information in this Alert, email [Questions@dhecc.com](mailto:Questions@dhecc.com).