

Memorandum of Understanding

The following constitutes an agreement between the Department of Veterans Affairs (VA) and the American Federation of Government Employees AFI-CIO, National Veterans Affairs Council #53 (NVAC) concerning VA Directive 6066 Protected Health Information (PHI) dated April 2, 2008.

1. VA Directive 6066, Protected Health Information, sets policies, roles, and responsibilities for VA components that enter into Business Associate Agreements (BAAs) and Memoranda of Understanding (MOUs) that cover the handling of PHI and Electronic Protected Health Information (EPHI) as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA)
2. The parties understand that HIPAA and related implementing regulations set rules and procedures for disclosure of protected health information (PHI). The rights of AFGE Locals to obtain PHI and/or other information relating to bargaining unit employees are governed by HIPAA, the Privacy Act, the Federal labor relations statute, and applicable collective bargaining agreements. Those rights are not changed by VA Directive 6066, and VA Directive 6066 should not be interpreted as to deny AFGE Locals access to and/or copies of bargaining unit employees' health information for representational duties where the employee has authorized the disclosure of such information to the union or where disclosure is otherwise permissible under applicable law, rules and regulations.
3. The appropriate management official shall provide a copy of this MOU to the local union president, upon their receipt.

Denise Braggi
For the Department (VA)

Robert Williams Jr.
For the National VA Council #53

9/9/08
Date

8/20/08
Date