

HARRISHEALTH SYSTEM

POLICY AND REGULATIONS MANUAL

Policy No: 3.11.201

Page Number: 1 of 6

Effective Date: 04/03

Board Motion No: n/a

TITLE: USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR FACILITY DIRECTORIES

PURPOSE: To provide guidance on the Use and Disclosure of patients' Protected Health Information that is included in Harris Health System's facility directory.

POLICY STATEMENT:

Harris Health System (Harris Health) may use and disclose certain Protected Health Information (PHI) that is included in Harris Health's facility directory without obtaining an authorization as long as the patient has had an opportunity to agree, object, or place a restriction on Harris Health's Use or Disclosure.

POLICY ELABORATIONS:

I. DEFINITIONS:

- A. **AUTHORIZATION:** Permission acquired by execution of Harris Health System Form Number 280342 Authorization for Use, Request, and Disclosure of Protected Health Information (PHI) (See Attachment A).
- B. **CLERGY:** A Religious representative of a community faith group who is not a member of the workforce.
- C. **DISCLOSURE:** The release, transfer, provision of, access to, or divulging in any manner protected health information outside of Harris Health.
- D. **FACILITY DIRECTORY:** A list (in electronic or hard copy format) that contains the following Protected Health Information of a patient:
 - 1. Name;
 - 2. Location within the facility (room number);
 - 3. The patient's general condition; and
 - 4. Religion.
- E. **INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION (IIHI):** Information that is a subset of health information, including demographic information, collected from an individual, and:

1. Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
 2. Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and:
 - a. That identifies the individual; or
 - b. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.
- F. **PATIENT CONDITIONS:** Only the following terms and definitions may be used to describe a patient's condition as part of facility directory information:
1. Good: Vital signs, such as pulse, temperature, and blood pressure, are stable and within normal limits. Patient is conscious and comfortable. Outlook for recovery is good or excellent.
 2. Fair: Vital signs are stable and within normal limits. Patient is conscious. He/she may be uncomfortable or may have minor complications. Favorable outlook.
 3. Serious: Acutely ill with questionable outlook. Vital signs may be unstable or not within normal limits. A chance for improved outlook.
 4. Critical: Questionable outlook. Vital signs may be unstable or not within normal limits. There may be major complications, death may be imminent.
 5. Undetermined: Status is pending diagnostic results, physician's examination, or outcome of surgery.
- G. **PERSONAL REPRESENTATIVE:** A person with authority under the law to act on behalf of the patient.
- H. **PROTECTED HEALTH INFORMATION (PHI):** IIHI that is created, received, transmitted, or maintained by Harris Health in any form or medium that relates to the patient's healthcare condition, provision of healthcare, or payment for the provision of healthcare, as further defined in the Health Insurance Portability and Accountability Act (HIPAA) regulations. PHI includes, but is not limited to, the following identifiers:

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1. Name;
 2. All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code, if according to the current publicly available data from the Bureau of the Census:
 - a. The geographic unit formed by combining all zip codes with the same three initial digits contains more than twenty thousand (20,000) people or fewer; and
 - b. The initial three digits of a zip code for all such geographic units containing twenty thousand (20,000) or fewer people is changed to 000.
 3. All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death; and all ages over eighty-nine (89) and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age ninety (90) or older;
 4. Telephone numbers;
 5. Fax numbers;
 6. Electronic mail addresses;
 7. Social security numbers;
 8. Medical record numbers;
 9. Health plan beneficiary numbers;
 10. Account numbers;
 11. Certificate/license numbers;
 12. Vehicle identifiers and serial numbers, including license plate numbers;
 13. Device identifiers and serial numbers;
 14. Web Universal Resource Locators (URLs);
 15. Internet Protocol (IP) address numbers;
 16. Biometric identifiers, including finger and voice prints;
 17. Full face photographic images and any comparable images; and
 18. Any other unique identifying number, characteristic, or code, except as permitted for re-identification purposes.
- I. **USE:** Regarding PHI, the sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information.

- J. **WORKFORCE:** Harris Health Board of Trustees, employees, Medical Staff, trainees, contractors, volunteers, and vendors.

II. DUTY TO INFORM THE PATIENT:

Harris Health must inform its patients of the following:

1. The following PHI of a patient will be included in Harris Health's Facility Directory:
 - a. The patient's full name;
 - b. The patient's location in a Harris Health facility;
 - c. The Patient's Condition, described in general terms as defined above; and
 - d. The patient's religious affiliation.
2. The specific Uses and Disclosures of PHI included in the Facility Directory that Harris Health may make without the patient's Authorization (discussed below in section IV); and
3. To whom Harris Health may make the Disclosures of the patient's PHI that is included in the Facility Directory.

III. OPPORTUNITY TO AGREE ,OBJECT , OR RESTRICT THE USE AND DISCLOSURE OF PHI INCLUDED IN THE FACILITY DIRECTORY:

- A. Harris Health must provide patients with an opportunity to agree, object, or restrict the Uses and Disclosures of PHI that is included in the Facility Directory prior to Harris Health's Use or Disclosure of the patient's PHI.
- B. Harris Health Workforce members must obtain a patient's agreement, restriction, or objection to a Use or Disclosure of his or her PHI included in a Facility Directory prior to using or disclosing the patient's PHI included in the Facility Directory. The patient's agreement, restriction, or objection may be made orally.

IV. DISCLOSURES OF PHI INCLUDED IN THE FACILITY DIRECTORY:

If a patient does not object to a Use and/or Disclosure of his or her PHI in the Facility Directory, after being given an opportunity to do so as discussed above in section III, the patient's PHI may be disclosed as follows:

- A. The patient's PHI may be disclosed to members of the clergy; or
- B. The patient's PHI may be disclosed to other person(s) **only if** the other person(s) ask(s) for the patient by name. However, the patient's religious affiliation **may not be disclosed** to individual(s) **even if** the individual(s) asks for the patient by name.

V. EMERGENCY SITUATIONS

- A. If the opportunity to agree, restrict, or object to the PHI included in the Facility Directory cannot be provided by a patient, or a patient's Personal Representative, prior to the Use or Disclosure of such PHI because the patient is incapacitated or because of an emergency circumstance, then Harris Health may Use or Disclose the PHI included in the Facility Directory only if the Use or Disclosure is:
 - 1. Consistent with a prior expressed preference of the patient, if any is known to Harris Health; and
 - 2. In the patient's best interest as determined by a responsible administrator or designee in the exercise of his or her professional judgment.
- B. When it becomes practical to do so, Harris Health must inform the patient of the following:
 - 1. The specific PHI that is included in the Facility Directory; and
 - 2. To whom and when such PHI may be disclosed without the patient's authorization.
- C. Harris Health must also provide the patient with the opportunity to agree, restrict, or to object to his or her PHI included in the Facility Directory from being Used or Disclosed and document the patient's preference when it has become practical to do so.

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REFERENCES/BIBLIOGRAPHY:

45 C.F.R. § 164.510(a).

OFFICE OF PRIMARY RESPONSIBILITY:

Harris Health System Corporate Compliance

REVIEW/REVISION HISTORY:

Effective Date	Version # (If Applicable)	Review or Revision Date (Indicate Reviewed or Revised)	Reviewed or Approved by: (If Board of Managers Approved, include Board Motion #)
04/14/2003	1.0		President and CEO
	2.0	Revised 05/31/2007	Office of Privacy Administration
		Revised 07/17/2007	HCHD Policy Review Committee
		Reviewed 07/20/2007	President and CEO
	3.0	Revised 09/14/2010	Operations Policy Committee
	4.0	Revised. 07/27/2017	Structure and Organizational Standards Committee