

POLICY AND REGULATIONS MANUAL

TITLE: USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION TO PERSONS INVOLVED IN THE PATIENT'S CARE AND FOR DISASTER RELIEF PURPOSES

PURPOSE: To provide guidance for the Use and Disclosure of Protected Health Information to persons involved in the patient's care and for disaster relief purposes.

POLICY STATEMENT:

Harris Health System (Harris Health) will disclose a patient's Protected Health Information (PHI): to persons involved in a patient's care; to persons involved in the payment for the patient's care; for the purposes of locating persons involved in a patient's care or to notify family members or others involved in a patient's care of the patient's location, general condition, or death; and for disaster relief purposes.

POLICY ELABORATIONS:

I. DEFINITIONS:

- A. **ADMINISTRATOR:** Includes the Chief Executive Officer (CEO), Chief Operating Officer (COO), Chief Medical Officer (CMO), Chief Financial Officer (CFO), Executive Vice President (EVP) and Chief Nursing Executive(CNE), Chief Information Officer (CIO), Vice President (VP), Chief Nursing Officer (CNO), Administrator, Associate Administrators, and designated Administrator on-call or designee.
- B. **AUTHORIZATION:** A signed written document that allows use and Disclosure of PHI for purposes other than treatment, payment, or health care operations, or as otherwise required by law.
- C. **DISCLOSURE:** The release, transfer, provision of, access to, or divulging in any manner PHI outside of Harris Health.
- D. **INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION (IIHI):** Information that is a subset of health information, including demographic information collected from an individual, and:

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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.
- E. **MINIMUM NECESSARY:** The minimum PHI required to accomplish the intended purpose of the request, Use, or Disclosure of PHI when:
1. A workforce member uses PHI for a job specific function;
 2. Harris Health discloses PHI to an outside person or entity; or
 3. Harris Health requests PHI from an outside person or entity.
- F. **PAYMENT:**
1. The activities undertaken by:
 - a. Except as prohibited under §164.502(a)(5)(i), a health plan to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits under the health plan; or
 - b. A health care provider or health plan to obtain or provide reimbursement for the provision of health care.
 2. The activities in paragraph (1) of this definition relate to the individual to whom health care is provided and include, but are not limited to:
 - a. Determination of eligibility or coverage (including coordination of benefits or the determination of cost sharing amounts), and adjudication or subrogation of health benefit claims;
 - b. Risk adjusting amounts due based on enrollee health status and demographic characteristics;

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- c. Billing, claims management, collection activities, obtaining payment under a contract for reinsurance (including stop-loss insurance and excess of loss insurance), and related health care data processing;
- d. Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;
- e. Utilization review activities, including precertification and preauthorization of services, concurrent and retrospective review of services; and
- f. Disclosure to consumer reporting agencies any of the following protected health information relating to collection of premiums or reimbursement:
 - i. Name and address;
 - ii. Date of birth;
 - iii. Social Security number;
 - iv. Payment history;
 - v. Account number; and
 - vi. Name and address of the health care provider and/or health plan.

G. **PERSONAL REPRESENTATIVE:** A person with authority under the law to act on behalf of the patient.

H. **PROTECTED HEALTH INFORMATION (PHI):** PHI that is created, received, transmitted or maintained by Harris Health System in any form or medium that relates to the patient's health care condition, provision of health care, or payment for the provision of health care, as further defined in the Health Information Portability and Accountability Act (HIPAA) regulations. PHI includes, but is not limited to, the following identifiers:

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:

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- a. The geographic unit formed by combining all zip codes with the same three (3) initial digits contains more than twenty thousand (20,000) people; and
 - b. The initial three (3) 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;
- a. Telephone numbers;
 - b. Fax numbers;
 - c. Electronic mail addresses;
 - d. Social security numbers;
 - e. Medical record numbers;
 - f. Health plan beneficiary numbers;
 - g. Account numbers;
 - h. Certificate/license numbers;
 - i. Vehicle identifiers and serial numbers, including license plate numbers;
 - j. Device identifiers and serial numbers;
 - k. Web Universal Resource Locators (URLs);
 - l. Internet Protocol (IP) address numbers;
 - m. Biometric identifiers, including finger and voice prints;
 - n. Full face photographic images and any comparable images; and
 - o. Any other unique identifying number, characteristic, or code, except as permitted for re-identification purposes.

G. **USE:** Regarding PHI, the sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information.

H. **WORKFORCE:** Harris Health System Board of Managers, employees, Medical Staff, trainees, contractors, volunteers, and vendors. Employees (permanent or temporary), volunteers, trainees and other persons whose conduct, in the

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performance of work for Harris Health, is under the direct control of Harris Health, whether or not they are paid by Harris Health.

II. USES AND DISCLOSURES FOR INVOLVEMENT IN A PATIENT'S CARE:

A. In General:

1. Workforce members may disclose to a patient's family member, friend, or any other individual identified by the patient, PHI of the patient that is directly relevant to the family member's, friend's, or other individual's involvement in the patient's care.
2. If a Workforce member has questions regarding a patient's capacity, that Workforce member must speak with the patient's care team.

B. Patient has capacity and is present:

1. If the patient is present and has capacity, Workforce members may disclose the patient's PHI to family members, friends, or any other individual identified by the patient that is directly relevant to the care of the patient, if:
 - a. The patient agrees;
 - b. The patient does not object after being given an opportunity to object; or
 - c. The Workforce member reasonably infers from using his or her professional judgment that the patient does not object.

C. Patient is incapacitated, not present, or an emergency exists:

1. If the patient is incapacitated, not present, or emergency circumstances exist, Workforce members may disclose PHI to family members, friends, or any individual identified by the patient that is directly relevant to the care of the patient if:

The Workforce member using his or her professional judgment determines that the Disclosure is in the best interests of the patient.

D. Patient is deceased:

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1. If the patient is deceased, Workforce members may disclose the patient's PHI to the patient's family member, friend, or other individual identified by the patient that was directly involved in the patient's care.
2. Workforce members may only disclose that PHI that is directly relevant to the family member's, friend's, or other identified person's involvement in the patient's care, unless doing so is inconsistent with the patient's prior expressed preference and that preference is known to Harris Health.

III. USES AND DISCLOSURES FOR INVOLVEMENT IN THE PAYMENT FOR A PATIENT'S CARE:

A. In General:

1. Workforce members may disclose to a family member, friend, or any other individual identified by the patient, PHI of the patient that is directly relevant to the family member's, friends, or other individual's involvement in the payment for the patient's care.
2. If a Workforce member has questions regarding a patient's capacity, that Workforce member must speak with the patient's care team.

B. Patient has capacity and is present:

1. If the patient is present and has capacity, Workforce members may disclose the patient's PHI to family members, friends, or any other individual identified by the patient that is directly relevant to the payment for the care received by the patient, if:
 - a. The patient agrees;
 - b. The patient does not object after being given an opportunity to object; or
 - c. The Workforce member reasonably infers from using his or her professional judgment that the patient does not object.

C. Patient is incapacitated, not present, or an emergency exists:

If the patient is incapacitated, not present, or emergency circumstances exist, Workforce members may disclose PHI to family members, friends, or any

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individual identified by the patient that is directly relevant to the payment for the care of the patient if:

The Workforce member using his or her professional judgment determines that the Disclosure is in the best interests of the patient.

D. Patient is deceased:

1. If the patient is deceased, Workforce members may disclose the patient's PHI to the patient's family member, friend, or other individual identified by the patient that was directly involved in the payment for the care received by the patient.
2. Workforce members may only disclose that PHI that is directly relevant to the family member's, friend's, or other identified person's involvement in the payment for the patient's care, unless doing so is inconsistent with the patient's prior expressed preference and that preference is known to Harris Health.

IV. USES AND DISCLOSURES FOR NOTIFICATION PURPOSES:

A. In General:

1. A Workforce member may and disclose a patient's PHI to notify or to assist in the notification of a patient's family member, a friend, or other individual responsible for the care of the care of the patient of the patient's general condition, location, or death.
2. If a Workforce member has questions regarding a patient's capacity, that Workforce member must speak with the patient's care team.

B. Patient has capacity and is present:

If a patient is present and has capacity, Workforce members may and disclose the patient's PHI to notify or to assist in the notification of a patient's family member, friend, or other individual responsible for the care of the patient of the patient's general condition, location, or death if:

1. The patient agrees;
2. The patient does not object after having been given an opportunity to object; or

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3. The Workforce member reasonably infers from using his or her professional judgment that the patient does not object.

C. Patient is incapacitated, not present, or an emergency exists:

If the patient is incapacitated, not present, or if emergency circumstances exist, Workforce members may and disclose a patient's PHI to notify or to assist in the notification of a patient's family member, a patient's friend, or other individual responsible for the care of the patient of the patient's general condition, location or death, if:

The Workforce member determines that the Disclosure is in the patient's best interest using his or her professional judgment.

V. DISCLOSURE OF PHI FOR DISASTER RELIEF PURPOSES:

- A. Harris Health and Workforce members may Use or disclose PHI to a public or private entity, authorized by law or its by its charter to assist in disaster relief efforts for the purpose of coordinating with the entity to notify or assist in notifying a patient's family member, friend, or other individual responsible for the care of the patient, of the patient's location, general condition, or death.
- B. Workforce members must comply with the requirements of section IV above.
- C. Workforce members are only permitted to disclose the Minimum Necessary amount of PHI.



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REFERENCES/BIBLIOGRAPHY:

Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 (codified at 45 C.F.R. Parts 160 and 164), as amended

45 C.F.R. §164.510(b)

Harris Health System Policy and Procedures 3.11.300 Authorization for Use and Disclosure of Protected Health Information for Purposes Other Than Treatment, Payment, and Health Care Operations.

OFFICE OF PRIMARY RESPONSIBILITY:

Harris Health System Office of Corporate Compliance.

REVIEW/REVISION HISTORY:

Effective Date	Version # (If Applicable)	Review/ Revision Date (Indicate Reviewed or Revised)	Approved by:
	Original 1.0	04/14/2003	President and CEO
06/26/2003		Approved 06/26/2003	Board Of Managers
	2.0	Revised 09/14/2010	Operations Policy Committee
	3.0	Revised/Approved 08/13/2013	Operations Policy Committee
		Approved 09/23/2013	Harris Health System Board of Managers
	4.0	Approved 10/27/2016	Structure and Organizational Standards Committee

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