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Department: UW Medicine Compliance

Subject: PP-15 Use & Disclosure of Protected Health Information for Involvement in Individual's Care and Notification

Policy Number: 15

Established Date: January 9, 2003

Revised Date: February 28, 2005, October 23, 2008,

Review Date: January 28, 2005

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***Purpose:***

The purpose of this policy is to set forth the circumstances under which protected health information (PHI) may be disclosed to assist in the individual's care and to notify a family member, personal representative, or other person responsible for the care of the individual.

***Policy:***

UW Medicine may make certain disclosures of PHI if the patient agrees or, when given the opportunity, does not object or where the individual has authorized the disclosure.

**I. Limited Disclosures**

A UW Medicine entity<sup>1</sup> may, with limitations, share a patient's health information with the patient's family members, friends, or others identified by the patient as involved in the patient's care. Use or disclosure of PHI is conditioned on one of the following situations:

**A) When the individual is present**

The individual was given an opportunity to agree or object and has not objected to disclosure; or

**B) When the individual is not present**

The individual is not present or where the individual is incapacitated and the entity has determined based upon professional judgment or good medical practice that the disclosure is in the best interests of the individual.

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<sup>1</sup> UW Medicine includes the following entities: University of Washington Medical Center and Clinics; Harborview Medical Center and Clinics; UW Medicine Neighborhood Clinics (University of Washington Physicians Network); UW Physicians Sports Medicine Clinic; UW Medicine Eastside Specialty Center; Hall Health Primary Care Center; University of Washington Physicians; as well as certain services and activities that support UW Medicine that are performed by non-healthcare components of the University of Washington as defined within Privacy Policy PP-01 Use & Disclosure of Protected Health Information – Organizational Requirements. UW School of Medicine is subject to the UW Medicine Information Security Program.

## II. Purposes of Disclosure

Disclosure may be made to the following people for the following reasons:

### A) **Assisting with Care**

Disclosure of PHI may be made to relatives or other persons who are involved in the individual's care. UW Medicine workforce members may disclose to family members only the limited PHI which is directly relevant to:

- 1) Their involvement with the treatment and care of the patient; **or**
- 2) Payment of health care bills.

### B) **Notification Purposes**

A UW Medicine workforce member may disclose to relatives or others responsible for the individual's care PHI pertaining to the location, general condition, or death of the individual. (See related Procedures I and II – "*Documenting Status of Family or Personal Representative/Surrogate Decision Maker at Inpatient Facilities*" and "*Locating and Notifying Family or Personal Representative/Surrogate Decision Maker at Inpatient Facilities.*")

### C) **Disaster Relief**

A UW Medicine workforce member may disclose PHI for purposes of coordinating with an entity authorized to assist in disaster relief efforts. Under such circumstances, individuals will be given an opportunity to agree or object. Such agreements or objections will be honored as long as the UW Medicine provider, in the exercise of his/her professional judgment, determines that such an agreement or objection to use or disclose PHI will not interfere with the ability to respond to the emergency situation.

### D) **Prescriptions**

A UW Medicine workforce member uses professional judgment and experience with common practice in allowing a person to act on behalf of the individual to pick up filled prescriptions, medical supplies, X-rays or other similar forms of PHI.

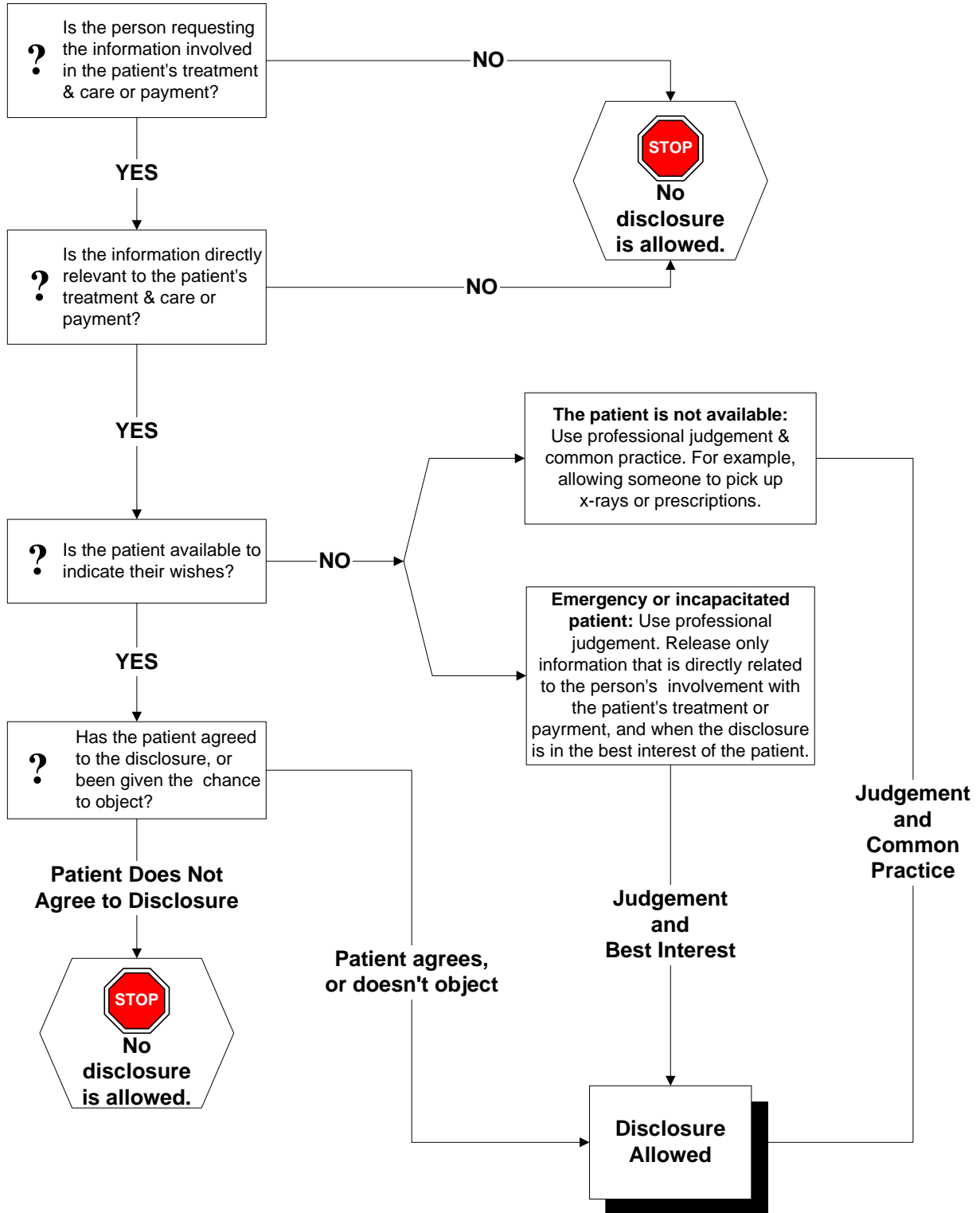
## III. HIV Testing and Sexually Transmitted Diseases

Heightened standards of confidentiality are required when using or disclosing PHI pertaining to HIV testing or sexually transmitted diseases. See UW Medicine Privacy Policy: *PP-08 Use & Disclosure of Protected Health Information Requiring Authorization.*

Individuals who believe that they have been placed at risk for acquiring HIV or a STD and seek disclosure of another's PHI must contact the appropriate Public Health Officer.

**Procedures:**

**I. USE & DISCLOSURE OF PROTECTED HEALTH INFORMATION (PHI) FOR INVOLVEMENT IN INDIVIDUAL'S CARE AND NOTIFICATION DECISION TREE**



**II.** Table: Summary of Relevant Requirements Use & Disclosure of Protected Health Information (PHI) for Involvement in Individual's Care and Notification

<b>Family Member or Friend</b>		<b>Other Persons</b>
<b>Patient is present and has the capacity to make health care decisions</b>	<p>Provider may disclose relevant information if the provider does one of the following:</p> <p>(1) obtains the patient's agreement</p> <p>(2) gives the patient an opportunity to object and the patient does not object</p> <p>(3) decides from the circumstances, based on professional judgment, that the patient does not object</p> <p>Disclosure may be made in person, over the phone, or in writing.</p>	<p>Provider may disclose relevant information if the provider does one of the following:</p> <p>(1) obtains the patient's agreement</p> <p>(2) gives the patient the opportunity to object and the patient does not object</p> <p>(3) decides from the circumstances, based on professional judgment, that the patient does not object</p> <p>Disclosure may be made in person, over the phone, or in writing.</p>
<b>Patient is not present or is incapacitated</b>	<p>Provider may disclose relevant information if, based on professional judgment, the disclosure is in the patient's best interest.</p> <p>Disclosure may be made in person, over the phone, or in writing.</p> <p>Provider may use professional judgment and experience to decide if it is in the patient's best interest to allow someone to pick up filled prescriptions, medical supplies, X-rays, or other similar forms of health information for the patient.</p>	<p>Provider may disclose relevant information if the provider is reasonably sure that the patient has involved the person in the patient's care and in his or her professional judgment, the provider believes the disclosure to be in the patient's best interest.</p> <p>Disclosure may be made in person, over the phone, or in writing.</p> <p>Provider may use professional judgment and experience to decide if it is in the patient's best interest to allow someone to pick up filled prescriptions, medical supplies, X-rays, or other similar forms of health information for the patient.</p>

**III. Documenting Status of Family or Personal Representative/Surrogate Decision Maker at Inpatient Facilities**

<b>Step</b>	<b>Action</b>
1	If the individual's family or personal representative and/or surrogate decision maker is notified at the time of a patient's admission, this will be documented and kept within the designated record set.
2	When a patient is admitted, and requests that relatives not be notified, this will be documented and kept within the designated record set.

**IV. Locating and Notifying Family or Personal Representative/Surrogate Decision Maker at Inpatient Facilities – (per Policy Section II)**

<b>Step</b>	<b>Action</b>
1	For patients who are unable to communicate or are critically ill, the entity's Emergency Registration personnel will initiate the appropriate form(s) and these will be kept within the designated record set.
2	Using the available patient identification, the names, phone numbers, and results of efforts to contact the individual's family or personal representative/surrogate decision maker will be noted on the appropriate form(s) by Emergency Registration personnel.
3	When a relative is reached, the Emergency Registration personnel will notify the Emergency Charge Nurse and document the contact on the appropriate form(s).
4	On a daily basis, the Registration staff will review the appropriate form(s) that have been initiated. They will identify patients admitted. The top copy of the appropriate form(s) will be separated and routed to Admitting and then to the patient care unit. The second copy will be retained in the Emergency Department for three days and then securely disposed. If the patient has not been admitted, the copy of the appropriate form(s) will be sent to Patient Data Services to be placed in the designated record set. The second copy will be securely disposed.
5	Once the patient is admitted it becomes the responsibility of the unit's Social Worker to continue to try to locate and notify the individual's family or personal representative/surrogate decision maker. All efforts will be documented on the appropriate form(s) and placed in the designated record set.
6	The Medical Examiner's office may make inquiries to the Emergency Department and/or nursing unit if there is a question regarding notification of the individual's family or personal representative/surrogate decision maker. If the individual's family or personal representative/surrogate decision maker has not been notified, the Medical Examiner's office assumes jurisdiction.

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Cross References:

- I. Policy & Procedure Manual, King County Division of Medical Examiner
- II. Guide for Cooperation for Physicians, Hospitals, Press, Radio & Television in the State of Washington
- III. OCR Guidance for Health Care Providers and Consumers on the HIPAA Privacy Rule and Communications with a Patient’s Family, Friends, or Others Involved in the Patient’s Care: [http://www.hhs.gov/ocr/hipaa/provider\\_ffg.pdf](http://www.hhs.gov/ocr/hipaa/provider_ffg.pdf)

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**References:**

- I. 45 CFR Part 160 and 164; Section 164.510(b) – “Uses/Disclosures for Involvement in the Individual’s Care & Notification”.
- II. RCW 70.02.050 – Disclosure Without Patient’s Authorization
- III. RCW 70.24.105 – “Sexually Transmitted Diseases-Exchange of Confidential Medical Information”.

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UW Privacy Officer: \_\_\_\_\_ Date: \_\_\_\_\_  
Kathryn Waddell, Executive Director, Health Sciences Administration

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