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Department: UW Medicine Compliance

Subject: PP-16a Use & Disclosure of Protected Health Information (PHI)  
Permitted for Public Health Activities

Policy Number: 16a

Established Date: April 10, 2003

Revised Date:

Review Date: August 3, 2006, April 9, 2009

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**Policy:**

This policy describes the circumstances in which UW Medicine<sup>1</sup> may use or disclose protected health information (PHI) for Public Health activities when the purpose of the use or disclosure is not for treatment, payment, health care operations nor authorized by the patient.

**I. UW Medicine may disclose the minimum necessary PHI for Public Health Activities to:**

- A) Public health authorities<sup>2</sup> who are required by law to collect or receive the information for the purpose of preventing or controlling disease, injury, or disability including but not limited to the reporting of disease, injury and vital events, and the conduct of public health surveillance, public health investigation and public health interventions;
- B) Official(s) of a foreign government agency acting in collaboration with a public health authority when the public health authority directs the disclosure be made to the collaborating foreign agency;

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<sup>1</sup> For the purpose of HIPAA, 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 Physicians Eastside Specialty Center; Hall Health Primary Care Center; and University of Washington Physicians.

<sup>2</sup> Public health authority means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate.

- C) Public health or other government authorities authorized by law to receive reports of child abuse or neglect;<sup>3</sup>
- D) A person or entity subject to the jurisdiction of the U.S. Food and Drug Administration (FDA) who has responsibility for the quality, safety and effectiveness of a FDA-regulated product when necessary to protect public health and the purpose of the disclosure is one of the following:
  - 1) To collect or report adverse events with respect to food, dietary supplements, product defects or problems, or biological product deviations,
  - 2) To track FDA-regulated products,<sup>4</sup>
  - 3) To enable product recalls, repairs, replacement, or lookback (including locating and notifying individuals who have received products that have been recalled, withdrawn, or are the subject of lookback); **or**
  - 4) To conduct post-marketing surveillance.

**II.** If UW Medicine is otherwise authorized by law to conduct a public health intervention and is authorized as part of the intervention to notify a person who may have been exposed to a communicable disease or may be at risk of contracting or spreading a disease, then it may notify such person without patient authorization.

**III. Documentation of Disclosures**

UW Medicine documents and retains a record of all disclosures in accordance with the entity's record retention policies and procedures. See UW Medicine Privacy Policy: *PP-25 Accounting of Disclosures of Protected Health Information*.

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**Cross References:**

Please see following list of UW Medicine entity specific policies and procedures regarding: Public Health Activities, Abuse and Neglect Reporting, and Safe Medical Device Act Reporting.

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<sup>3</sup> When a health care provider has reasonable cause to believe that a child has suffered abuse or neglect, the provider shall report to law enforcement or the Department of Social and Health Services at the first opportunity but no later than 48 hours after the provider has reasonable cause. Please see UW Medicine Privacy Policy PP-16i: *Use & Disclosure of Protected Health Information (PHI) Not for Treatment, Payment, or Healthcare Operations Permitted Without An Individual's Authorization for Victims of Abuse, Neglect or Domestic Violence and the list of policies in the Cross Reference Section* regarding Abuse and Neglect Reporting.

<sup>4</sup> NOTE: Please see Cross Reference section at the end of this policy for UW Medicine entity policies regarding Safe Medical Device Act Reporting.

HMC:

- 75.4 MEDICAL EQUIPMENT
- 75.9 BIOMEDICAL – DEFECTIVE EQUIPMENT REPORTING

UWMC:

- 115.5 Medical Device-Related Event Reporting

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**References:**

- I.** 45 CFR Parts 160 and 164; Section 164.512 – “Uses & Disclosures for Which Consent, Authorization or Opportunity to Agree or Object Is Not Required”.
- II.** RCW 70.02.050 – Disclosure Without Patient’s Authorization
- III.** 42 CFR, Part 2 – Confidentiality of Alcohol and Drug Abuse Patient Records
- IV.** RCW 26.44.030 - Duty and Authority to Make Reports of Child Abuse or Neglect
- V.** RCW 74.34.035 - Reports--Mandated and Permissive--Contents—Confidentiality
- VI.** RCW 70.58, Vital Statistics
- VII.** RCW 68.50, Human Remains

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UW Privacy Officer: \_\_\_\_\_ Date: \_\_\_\_\_  
Johnese M. Spisso, Vice President for Medical Affairs, UW & COO UW Medicine

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