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Department: UW Medicine Compliance

Subject: PP-16b Use & Disclosure of Protected Health Information (PHI)  
Permitted to Employers

Policy Number: 16b

Established Date: April 10, 2003

Revised Date:

Review Date: September 28, 2006, May 14, 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) to Employers when the purpose of the use or disclosure is not for treatment, payment, health care operations nor authorized by the patient.

**I. Employers**

UW Medicine may use or disclose PHI to an individual's employer when:

- A) UW Medicine is providing health care to an individual at the request of an employer, including when UW Medicine is the employer, for the purpose of:
  - 1) Conducting an evaluation of work-related medical monitoring or surveillance, **or**
  - 2) Evaluating whether the individual has a work-related injury or illness.
- B) Only the findings concerning the work-related medical monitoring or surveillance or work-related illness or injury are disclosed.
- C) The findings are released only when the employer needs the information to comply with its obligation to under the Occupational Safety and Health Act (OSHA), the Mine Safety and Health Act (MSHA), the Washington Industrial Safety and Health Act (WISHA);

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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 Physician's Eastside Specialty Center; Hall Health Primary Care Center; and University of Washington Physicians.

**AND**

- D) UW Medicine provides written notice to the patient in the Joint Notice of Privacy Practices of UW Medicine and Certain Other Providers that PHI relating to work-related medical monitoring or surveillance or work-related injuries or illnesses may be disclosed to the employer.

**II. Documentation of Disclosures**

UW Medicine documents and retains in electronic or written format 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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**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 70.96A.150 – Records of Alcoholics and Intoxicated Persons.
  - III. RCW 70.02.050 – Disclosure Without Patient’s Authorization
  - IV. RCW 71.05.390, .120, .445. – Mental Health Records
  - V. RCW 71.05.620 – Mental Illness Treatment Records: Informed Consent for Disclosure of Information
  - VI. RCW 70.24.105 – Disclosure of HIV/STD/AIDS Test or Treatment – Exchange of Medical Information
  - VII. 42 CFR, Part 2 – Confidentiality of Alcohol and Drug Abuse Patient Records
  - VIII. 29 CFR Parts 1904 – 1928, Occupational Safety and Health Act
  - IX. 29 CFR Parts 50-90, Mine Safety and Health Act
  - X. RCW 49.17, WAC 296-62, Washington Industrial Safety and Health Act
  - XI. RCW 51.36.060, Washington Workers’ Compensation Act – Duties of Attending Physician
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UW Privacy Officer: \_\_\_\_\_ Date: \_\_\_\_\_  
Johnese Spisso, Vice President for Medical Affairs, UW & COO UW Medicine

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