PURPOSE AND SCOPE
This policy describes the circumstances in which UW Medicine may use or disclose protected health information (PHI) to Employers when the purpose of the use or disclosure is not for treatment, payment, healthcare operations nor authorized by the patient.

This policy is applicable to all UW Medicine entities.

POLICY PRINCIPLES/STATEMENT
See POLICY.

DEFINITIONS
See UW Medicine Compliance Policy: PP.00 Glossary of Terms.

POLICY
Heightened standards of confidentiality are required when using or disclosing PHI pertaining to sexually transmitted disease (STD), human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), mental health records, drug and alcohol treatment records or sexual assault counseling. Disclosure of PHI of heightened confidentiality for employers requires a valid patient authorization or a federal or Washington State court order.

I. Employers

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

A. It is providing healthcare 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) and the Washington Industrial Safety and Health Act (WISHA); 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 its entity’s record retention policies and procedures. See UW Medicine Compliance Policy: PP-25 Accounting of Disclosures of Protected Health Information.

REGULATORY/LEGISLATION/REFERENCES

- 29 CFR Parts 50-90, Mine Safety and Health Act
- 29 CFR Parts 1904 – 1928, Occupational Safety and Health Act
- 42 CFR, Part 2 – Confidentiality of Alcohol and Drug Abuse Patient Records
- 45 CFR Parts 160 and 164; Section 164.512 (b) – Uses & Disclosures for Which Consent, Authorization or Opportunity to Agree or Object Is Not Required
- RCW 49.17, WAC 296-62, Washington Industrial Safety and Health Act
- RCW 51.36.060, Washington Workers’ Compensation Act – Duties of Attending Physician
- RCW 70.02 – Medical Records - Healthcare Information Access and Disclosure
- RCW 70.96A.150 – Records of Alcoholics and Intoxicated Persons

PROCEDURE ADDENDUM(s) REFERENCES/LINKS

- UW Medicine Compliance Policy: PP-00 Glossary of Terms
- UW Medicine Compliance Policy: PP-25 Accounting of Disclosures of Protected Health Information

ROLES AND RESPONSIBILITIES

Defined within POLICY.
## AUTHORITIES

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<thead>
<tr>
<th>Custodian</th>
<th>Responsible Officer</th>
<th>Implementation Officer</th>
<th>Administrative Officer</th>
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<td>UW Medicine Compliance</td>
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<tr>
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<td><strong>Owner</strong></td>
<td><strong>Auditor</strong></td>
<td><strong>Endorser</strong></td>
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<td>UW Medicine Compliance</td>
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<td>UW Medicine Compliance</td>
<td>UW Medicine Executive Compliance Committee</td>
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## APPROVALS

Johnese M. Spisso, Chief Health System Officer,
UW Medicine & Vice President for Medical Affairs, UW