

**Privacy Policies Summary  
November 26, 2008**

Policy 1. The University of Washington (UW) is a hybrid entity with both health care components and non-health care components. UW has designated certain of its health care components and related covered entities as one affiliated health care entity known as "UW Medicine." UW Medicine is comprised of the 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; and UW Physicians. Within these entities, protected health information (PHI) may be shared for treatment, payment and health care operations. PHI may not be shared with the non-health care components of the UW without patient authorization unless it is for the component to support the treatment, payment or health care operations of UW Medicine. Throughout this summary, references to UW Medicine will include UW Medicine's workforce.

Policy 2. Prior to April 14, 2003, and until the individual's first contact with UW Medicine for services, UW Medicine entities may continue to rely on the individual's "Registration Consent /Financial Agreement," authorization, or other express legal permission to use and disclose PHI for treatment, payment, or health care operations. Each UW Medicine entity will obtain the individual's acknowledgement of receipt of the UW Medicine Notice of Privacy Practices or make a good faith effort to obtain an acknowledgment for all services provided after April 14, 2003.

Policy 3. Outlines UW Medicine's policy for the administrative requirements related to the UW Medicine's Privacy Program. The Administrative Requirements include twelve sections: Safeguards, Disclosures by Whistleblowers, Mitigation, Retaliatory Acts, Waiver of Rights, Personnel Designations, Revisions to Privacy Policies and Procedures, and Documentation of Privacy Policies and Procedures.

Policy 4. The law requires UW Medicine to train its workforce, including physicians, on the organization's policies and procedures. UW Medicine maintains documentation of the training provided to each individual for six years.

Policy 5. Patients and their families have the right to file complaints about how UW Medicine and individual health care providers use or disclose their PHI. They may complain to the UW Medicine Privacy Office, the individual UW Medicine entity, or the U.S. Department of Health and Human Services • Office for Civil Rights (OCR). If any person complains to a member of the UW Medicine Workforce about a use or disclosure of PHI, the workforce member must contact the Privacy Official of the entity rendering the care immediately. **UW Medicine will not retaliate, or tolerate retaliation, against any one who files a complaint.**

Policy 6. The UW Medicine sanction policy requires that appropriate sanctions be applied to workforce members who fail to comply with policies and procedures. Sanctions will be based upon UW Medicine policies and the relative severity of the violation.

Policy 7. The policy describes how UW Medicine may use and disclosure PHI for Treatment, Payment, and Health Care Operations. Workforce members must limit their use & disclosure of PHI to the minimum amount of information necessary to perform their authorized activities or duties.

Policy 8. UW Medicine must obtain patient authorization for disclosure of PHI that is not for treatment, payment or health care operations within UW Medicine entities and with UW components that support UW Medicine. UW Medicine may share PHI with any non-UW Medicine health care provider for treatment purposes without an authorization. UW Medicine may share the minimum necessary PHI with non-UW Medicine entities for payment purposes. Questions regarding the sharing of PHI for the health care operations of a non-UW Medicine entity should be directed to the Privacy Official of the entity providing treatment to the patient. This policy outlines when a patient must sign an authorization for use or disclosure of their PHI and provides the required elements of an authorization.

Policy 9. Health care providers may communicate face-to-face with their patients about health related products or services that UW Medicine provides. Providers may also communicate with their patients about alternative treatments, coordination of care, or specialty care. UW Medicine must obtain the patient's authorization for any use or disclosure of PHI for non face-to-face marketing unless it is a promotional gift of nominal value.

Policy 10. UW Medicine may use or disclose patient demographic information and the dates when patients received health care services to raise funds for its own benefit. UW Medicine must obtain an authorization for the use or disclosure of any other PHI for fundraising purposes. Individuals have the right to opt out of fundraising communications.

Policy 11. UW Medicine has identified staff within UW Medicine who will respond to requests for disclosure of PHI. UW Medicine will verify the identity of all requestors and the requestors' legal authority for obtaining PHI. UW Medicine will document the requestors' authority to receive the PHI prior to release of PHI.

Policy 12. UW Medicine may disclose PHI to an entity ("business associate") that is performing an activity on its behalf when UW Medicine obtains satisfactory assurances that the business associate will safeguard the information. Satisfactory assurances are documented in writing through a business associate agreement. Relationships between health care providers involving the treatment of a patient do not require satisfactory assurances and are therefore not business associate relationships. Please contact your entity's Privacy Official if you have questions about whether a business associate relationship exists in a specific situation.

Policy 13. Upon admission, patients have the opportunity to decide whether to be included in the hospitals' inpatient directories. If a patient opts out of the directory, UW Medicine will not include that patient in the directory. If a patient is incapacitated at admission, the provider should exercise his or her best judgment on whether to list the patient in the facility directory until the patient is able to express an opinion. Hospitals may release the condition and location of patients when a requestor asks for the patient by name. With the permission of the patient, clergy of the same faith may be given directory information without asking for a patient by name.

Policy 14. With exceptions, the personal representative or legally authorized surrogate decision-maker for the patient may sign the acknowledgement for receipt of the UW Medicine *Notice of Privacy Practices (Notice)* and make decisions concerning UW Medicine's use and disclosure of the individual or emancipated minor's PHI. In addition, unemancipated minors may sometimes acknowledge receipt of the UW Medicine *Notice* and make decisions concerning UW Medicine's use and disclosure of their PHI.

Policy 15. Provided the patient does not object, UW Medicine may use or disclose PHI to relatives or other persons involved in the treatment or care of the patient. When a patient is unable to express his or her wishes, the provider should exercise professional judgment on whether to release any PHI. If PHI is disclosed under these circumstances, UW Medicine will let the patient know of the disclosure as soon as possible.

Policy 16 (A-I). UW Medicine may use or disclose PHI without an individual's authorization for public health activities, health oversight activities, and specialized government functions. UW Medicine may also use or disclose PHI without an individual's authorization to avert a serious threat to the health or safety of any person, to law enforcement when required to do so by law, or pursuant to legal process. Please contact the Privacy Officer for your entity for fact-specific questions.

Policy 17. Psychotherapy notes maintained by behavioral health providers are a subset of PHI subject to heightened confidentiality protections. Psychotherapy notes may **only** be used or disclosed absent the patient's authorization to conduct UW Medicine training programs, for treatment by the behavioral health professional, to defend against legal action, to protect the health or safety of any person, or when required by law.

Policy 18. Research involving human subjects (either directly or indirectly through PHI) requires review by an approved Institutional Review Board (IRB). Researchers may use or disclose PHI for research when authorized by the human subject or pursuant to an IRB-approved waiver. For more information on conducting research, please review the UW Human Subjects Division web page at <http://depts.washington.edu/hsd/>.

Policy 19. Federal law allows UW Medicine to use or disclose a "limited data set" for research, public health, or health care operations. A "limited data set" is PHI that excludes 16 specific identifiers of the individual or of relatives, employers or household members. UW Medicine must obtain satisfactory assurances ("data use agreements") from the entity requesting a limited data set prior to allowing the use or disclosure. PHI may be de-identified through removal of 18 specific identifiers. Once de-identified, the data is no longer subject to state or federal privacy laws and regulations.

Policy 20. When using or disclosing PHI for payment and health care operations or when the patient has not authorized the use or disclosure, UW Medicine may only disclose the minimum necessary PHI required to accomplish the intended purpose. This standard does not apply to disclosures required by law.

Policy 21. UW Medicine provides all patients (except prisoner patients) a copy of its Notice of Privacy Practices (NPP), which outlines how an individual's PHI will be used or disclosed. UW Medicine is required to make a good faith effort to obtain written acknowledgement of receipt of the NPP from each patient treated after April 14, 2003.

Policy 22. Individuals treated at UW Medicine facilities have a right to request additional restrictions on the use or disclosure of their PHI. UW Medicine is not required to agree to a requested restriction. If UW Medicine does agree to a restriction, then it must follow the agreed-upon restrictions. All agreed-upon restrictions must be documented in the individual's designated record set. The designated record set contains an individual's medical and billing records, and other information used to make decisions about the individual.

Policy 23. An individual has the right to access, inspect or request a copy of PHI contained in the UW Medicine designated record set, unless an exemption applies (e.g., psychotherapy notes, information compiled for risk management purposes, etc.). Requests to access, inspect or photocopy PHI should be referred to the Release of Information Service Area for the entity in which services are provided. UW Medicine workforce members that have electronic clinical access may use this access to review their medical record on-line. UW Medicine workforce members can not use this access to view the records of their family members.

Policy 24. An individual may ask a health care provider to correct or amend his or her health care record. Requests must be in writing and state a reason for the requested change. UW Medicine has ten days from receipt of the request to respond in writing. If a provider receives a request for amendment, he or she must immediately contact their Privacy Officer.

Policy 25. An individual has the right to request UW Medicine to provide an accounting of all disclosures from an individual's designated record set, excluding those uses or disclosures for which an accounting is not required (e.g., treatment, payment, or health care operations; uses or disclosures made with the individual's authorization; or uses or disclosures incidental to an authorized use or disclosure). If you receive a request for an accounting, please contact your Privacy Officer.

Policy 26. A "designated record set" is a group of records consisting of medical and billing records about individuals, information about health plan enrollment, payment, claims adjudication, and case or medical management record systems, and other information used to make decisions about individuals.

Policy 27. UW Medicine's Social Security Numbers policy states that SSNs may only be requested in certain business operations, such as when required by law or for operational purposes with appropriate notice of its use and that any system that maintains SSN data must have adequate security controls implemented to protect its confidentiality and integrity.

Policy 28. This policy defines requirements for faxing PHI.