Use & Disclosure of PHI for Involvement in Patient's Care and Notification Decision Tree

Is the person requesting the information involved in the patient's treatment & care or payment?

- No disclosure is allowed.

- Is the information directly relevant to the patient's treatment & care or payment?

- Yes

- No disclosure is allowed.

- No

- The patient is not available:
  Use professional judgment & common practice. For example, allowing someone to pick up x-rays or prescriptions.

- Emergency or incapacitated patient:
  Use professional judgment. Release only information that is directly related to the person's involvement with the patient's treatment or payment, and when the disclosure is in the best interest of the patient.

- Is the patient available to indicate their wishes?

- Yes

- No

- The patient is not available:
  Use professional judgment & common practice. For example, allowing someone to pick up x-rays or prescriptions.

- Emergency or incapacitated patient:
  Use professional judgment. Release only information that is directly related to the person's involvement with the patient's treatment or payment, and when the disclosure is in the best interest of the patient.

- Has the patient agreed to the disclosure, or been given the chance to object?

- Patient does not agree to disclosure

- No disclosure is allowed.

- Patient agrees, or doesn't object

- Disclosure Allowed

- Judgment and common practice

- Judgment and best interest
## Summary of Relevant Requirements: Use & Disclosure of PHI for Involvement in Patient’s Care and Notification Table

<table>
<thead>
<tr>
<th>Family Member or Friend</th>
<th>Other Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Patient is present and has the capacity to make healthcare decisions</strong></td>
<td><strong>Patient is not present or is incapacitated</strong></td>
</tr>
<tr>
<td>Relevant PHI may be disclosed if the healthcare professional does one of the following:</td>
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</tr>
<tr>
<td>1. Obtains the patient’s agreement.</td>
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<tr>
<td>2. Gives the patient an opportunity to object and the patient does not object.</td>
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<tr>
<td>3. Decides from the circumstances, based on professional judgment that the patient does not object to the disclosure.</td>
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<td>Disclosure may be made in person, over the phone or in writing.</td>
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<td>Healthcare professional may disclose relevant PHI if s/he believes it is in the patient’s best interest, based on his/her professional judgment.</td>
<td>Healthcare professional may disclose relevant PHI if s/he is reasonably sure that the patient has involved the person in the patient’s care AND believes the disclosure is in the patient’s best interest, based on his/her professional judgment.</td>
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<td>Healthcare professional 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.</td>
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