

October 13, 2005 Definitions for IHOP

Absence - time off from work that may be recorded as *Scheduled* or *Unscheduled*.

An **act of violence** includes any physical action, whether intentional, reckless, or accidental that harms or threatens the safety of another individual in the workplace.

Advance Directive: A Directive to Physician, Medical Power of Attorney, and an Out-of-Hospital Do Not Resuscitate (DNR) Order.

adverse condition: For the purpose of this policy, *adverse condition* implies inclement weather or other factors which have an actual or potential harmful effect on the delivery of health care and other institutional operations (e.g., hurricanes, floods, etc.).

Adverse drug reaction (ADR): An unintended physical reaction to a drug when it is used in the approved manner.

Adverse Event – *Adverse events* are untoward incidents, therapeutic misadventures, iatrogenic injuries or other adverse occurrences directly associated with care or services provided. Adverse events may result from acts of commission or omission (e.g. administration of the wrong medication, failure to make a timely diagnosis or institute the appropriate therapeutic intervention, adverse reactions or negative outcomes of treatment, etc.). Some examples of adverse events include: patient falls, medication errors, procedural errors/complications, completed suicides, para suicidal behaviors (attempts/gestures/threats), and missing patient events. An adverse event can also be categorized as either a sentinel event or near miss.

Adult: a person 18 years of age or older or a person under 18 years of age who has had the disabilities of minority removed by a court for general purposes (i.e., has been legally emancipated by a court) or who is: legally married; serving in the armed forces; or at least 16 years old and living away from home and managing his/her own financial affairs.

Affidavit

Affidavit of Voluntary Relinquishment of Parental Rights (“Affidavit”): An affidavit for the voluntary relinquishment of parental rights that must be signed no earlier than 48 hours after the birth of the child by the parent, whether or not a minor, whose rights are to be relinquished. The affidavit must be notarized and its signing must be witnessed by two credible people (UTMB employees may not serve as witnesses; the Department of Protective and Regulatory Services [DPRS], licensed adoption agency, or other entity involved is responsible for obtaining two credible witnesses). The affidavit must designate a prospective adoptive parent, licensed adoption agency, or the DPRS to serve as managing conservator of the child. It may contain consent to the placement of the child for adoption by the DPRS or a licensed adoption agency.

Agent: An adult to whom authority to make health care decisions is delegated under a Medical Power of Attorney.

An **allergic reaction** (immunologic hypersensitivity, occurring as the result of unusual sensitivity to a drug)

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Alias name - the name(s) previously used by or assigned to a patient (e.g., maiden name, nickname, misspelled name accidentally entered into the Patient Index System (PIDX)).

Artificial Nutrition and Hydration: The provision of nutrients or fluids by a tube inserted in a vein, under the skin in the subcutaneous tissues, or in the stomach (gastrointestinal tract).

Attending Physician: The physician with primary responsibility for a patient's treatment or care.

Authorization: An "authorization" allows for the use and disclosure of PHI for purposes other than Treatment, Payment, and Healthcare Operations (TPO).

Authorized User: An individual that is granted access to PHI through an authorization or IRB waiver or an individual who is performing an activity related to health care operations.

Behavioral Restraint Management Standards: The use of restraints either physical or chemical in response to emergency crisis situations for aggressive or violent behavior regardless of the treatment setting.

Behavioral Setting: A psychiatric unit or area(s) designated in the Emergency Room for behavioral patients.

Business means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other legal entity organized for profit or charitable purposes. Business excludes UTMB-related entities, the meaning of which is inclusive of UTMB, the affiliated hospital(s), and any private medical practice or any other entity controlled by, controlling, or under common control with UTMB or any affiliated hospital with which UTMB has a contractual relationship for the purpose of providing patient care or education.

Business Associate is a person or entity who provides certain functions, activities, or services for or to UTMB, involving the use and/or disclosure of PHI.

- A business associate is not a UTMB employee.
- A business associate may include one of the additional components of the University of Texas system, other medical schools or other health care providers.

Business Meals and Employee Functions: Events sponsored by the University that would include University employees engaged in the discussion of University business matters. In some instances individuals engaged in business with the University may be involved.

Case Management Records (CMR): These records are commonly referred to as shadow records. They are medical records maintained by a specific physician or department that includes only copies of original patient care information that has already been forwarded to HIM for inclusion in the UMR. These records are considered convenience copies only and have no record retention schedule. These records should never contain original medical records.

Case Management File/Shadow Medical Record (CMR): The medical record maintained by a specific physician or department, other than Health Information Management (HIM). This information often includes copies of medical record information also in the UMR. A CMR does

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not contain any pertinent patient care information that cannot be found in the UMR. A CMR is considered a convenience copy and has no record retention schedule.

Case Management Records (CMR): These records are commonly referred to as shadow records. They are medical records maintained by a specific physician or department that includes only copies of original patient care information that has already been forwarded to HIM for inclusion in the UMR. These records are considered convenience copies only and have no record retention schedule. These records should never contain original medical records.

Catastrophic illness or injury: a severe condition or combination of conditions affecting the mental or physical health of an employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that requires the employee to exhaust accrued leave and to lose compensation from the State.

Certification/Licensure is defined as recognition of completion of specialized training and/or examination by an accredited, certifying body, which enables an employee to demonstrate excellence in a particular area. To be accepted, certification tests must be written before a certifying body that is nationally recognized by the profession.

Chemical/Pharmacological Restraint: A medication used for emergency control of behavior or to restrict the patient's freedom of movement and is not a standard treatment for the patient's medical or psychiatric condition. Medications used as restraints are used in addition to or in replacement of the patient's regular medication regime to control extreme behavior during an emergency. Medications that comprise the patient's regular medication

Chemical substance abuse is the personal use of any chemical substance that is specifically proscribed by law or by regulation pursuant to legal authority (e.g., Schedule 1 drugs); the personal misuse of any legally controlled substance; or the personal misuse of any normally legal chemical substance (e.g., alcohol) in a manner that produces the likelihood of the development of impairment.

Chemical substance abuse is the personal use of any chemical substance that is specifically proscribed by law or by regulation pursuant to legal authority (e.g., Schedule 1 drugs); the personal misuse of any legally controlled substance; or the personal misuse of any normally legal chemical substance (e.g., alcohol) in a manner that produces the likelihood of the development of impairment.

Clinical Practice Guidelines: Nationally standardized recommendations for health care developed by a formal process that incorporates the best scientific evidence of effectiveness with expert opinion. They recommend evaluation and treatment regarding diagnoses, conditions, and symptoms. They differ from standards in that they are not applied and followed rigidly in all cases. Practice guidelines are designed to be flexible, depending on patient needs and on clinical judgment.

Clinically Privileged Nurse: A registered nurse who is qualified by experience and training to assess a patient's need for restraints and determine the risks and safety needs of the patient in restraints.

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Commercial Motor Vehicle (CMV): The U.S. Department of Transportation – Federal Motor Carrier Safety Administration defines a CMV as a self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle

- 1) Has a gross vehicle weight rating or gross weight rating of 4,537 kg (10,001 lb) or more; whichever is greater; or
- 2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- 3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- 4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

Compelling Circumstances are those facts that convince the institution's Conflict of Interest Committee that a financially interested individual should be permitted to conduct human subject research involving greater than minimal risk. When considering a request by a financially-interested individual to conduct research, the circumstances that the COI Committee should evaluate include the nature of the research, the magnitude of the interest and the degree to which it is related to the research, the extent to which the interest could be directly and substantially affected by the research, and the degree of risk to the institution or to a human subject involved that is inherent in the research protocol. The Committee should also consider the extent to which the interest is amenable to effective oversight and management.

Compensable Injury: An injury arising from the course and scope of employment for which compensation is payable.

Compensation means income or monetary value given in return for services, including but not limited to wages, salaries, commissions paid salesmen, compensation for services on the basis of a percentage of profits, commissions on insurance premiums, tips, bonuses (including Christmas bonuses), termination or severance pay, rewards, jury fees, marriage fees and other contributions received by a clergyman for services, pay of persons in the military or naval forces of the United States, retired pay of employees, pensions, and retirement allowances are income to the recipients unless excluded by law.

Competent: Possessing the ability, based on reasonable medical judgment, to understand and appreciate the nature and consequences of a treatment decision, including the significant benefits and harms of and reasonable alternatives to a proposed treatment decision.

Conducting Research means, with respect to a research protocol, designing research, directing research or serving as the principal investigator, enrolling research subjects (including obtaining subjects' informed consent) or making decisions related to eligibility to participate in research, analyzing or reporting research data, or submitting manuscripts concerning the research for publication.

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Confidential Information - the classification of data that is exempt from disclosure under provisions of the Texas Public Information Act or other applicable state or federal law, regulation, or court order. The controlling factor for confidential information is prevention of dissemination.

Conflict of Commitment – The term of conflict of commitment refers to situations in which outside relationships or activities (such as consulting or outside employment) directly and significantly affect, or have the appearance of directly and significantly affecting, an employee's ability or perception of ability to exercise any UTMB duty or responsibility or in the conducting or reporting of research.

Conflict of Interest -- The term conflict of interest refers to situations in which financial or other personal considerations may directly and significantly affect, or have the appearance of directly and significantly affecting, an employee's professional judgment in exercising any UTMB duty or responsibility or in the conducting or reporting of research.

Consistent Treatment: Charging all costs incurred for the same purpose, in like circumstances, as either direct costs only or indirect costs only. Any cost charged as a direct cost to federal contracts must also be direct charged to other institutional activities. If a cost is identified as an indirect cost, it may be charged as a direct cost only in certain specific circumstances where the characteristics of the cost would unfairly burden the indirect costs. Direct costs that are allocated to sponsored projects or activities must be allocated using a reasonable method that is consistently followed. All departments must treat like costs in the same way.

Contractor: Any representative of a company contracted to perform long term service related work requiring frequent and routine visits to UTMB Campus.

Covered Entity: includes all health plans, health care clearing houses and health care providers who transmit any health care information electronically.

Covered Individual, for activities involving human subjects research, includes any faculty (fully-, partially-, or non-salaried) or faculty agent, staff, student, fellow, trainee, or administrator who, under the aegis of the institution or pursuant to the review and approval of the institution's IRB, conducts research involving human subjects. For all other activities covered individual means all faculty, A&P employees and IRB members.

Credentialed Monitoring Assistant - the M.D., D.O., or DDS; oral surgeon, Registered Nurse., Physician Assistant, or Respiratory Therapist, Radiological Technician.

Criminal Conviction Record Information refers to the public information maintained by the Department of Public Safety, as provided in Texas Government Code §411.135.

Criminal History Record Information is the information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions, as more fully described in Texas Government Code §411.082.

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Critical Pathway: A clinical tool for communicating and for achieving better quality and cost outcomes by outlining and sequencing the usual and/or desired care for particular groups of patients. It is developed for specific patient populations that are defined by diagnosis, procedure, or condition; including those that represent high volume, high cost, high risk, and high interest populations. There are two types of outcomes for critical pathways: 1) short term - outcomes that can be measured at points during or shortly after the conclusion of a pathway (e.g., the patient's ability to achieve specific outcomes for a care, length of stay or cost of care); and 2) long term are measured at defined points after the conclusion of recidivism rates during stated periods of time).

Day Surgery Unit is the service that provides patient teaching, anesthesia screening, pre- and post-operative care, and discharge planning for Same Day Admit and Same Day Surgery patients.

Deep sedation - A drug-induced depression of consciousness during which a patient cannot be easily aroused but responds purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. A patient may require assistance with maintaining a patent airway and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained. Non-anesthesiologist must be privileged to administer deep sedation by the Department of Anesthesiology.

De-identification: Health information that does not identify an individual in any manner with no reasonable basis to believe that the information can be used to identify the individual. See IHOP Policy 6.2.29, De-identification of PHI.

Designated Managing Conservator: A prospective adoptive parent, licensed adoption agency, or the DPRS that has been designated in an *Affidavit*. The designated person/agency then has the right to possession of the child and the right to consent to medical, surgical, dental, and psychological treatment of the child until such time as those duties and rights are modified or terminated by a court order or, if the Affidavit is revocable, until such time as the *Affidavit* is revoked.

Decision-making Capacity: the ability to understand and appreciate the nature and consequences of a decision regarding medical treatment and the ability to reach an informed decision in the matter.

Designated Record Set: A group of records maintained by or for UTMB that are:

- A. The medical records and billing records about patients maintained by or for UTMB;
- B. The enrollment, payments, claims adjudication, and case or medical management record systems maintained by or for a health plan; or
- C. Used, in whole or in part, by or for UTMB to make decisions about patients.

Designated Record Set: The Designated Record Set includes the UMR and billing records of patients. The Designated Record Set also includes medical records from non-UTMB sources used to make health care decisions.

Declarant: A person who has executed or issued an **Advance Directive**.

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Disclosure: The release, transfer, provision of access to, or divulging in any other manner of information outside UTMB.

Disclosure means a release of relevant information about significant financial interests to parties outside the institution's COI review and management processes (e.g., to research subjects or journal editors).

Direct Costs: Costs that can be identified specifically with a particular sponsored project, and instructional activity, patient care activity, or any other institutional activity, or that can be assigned to such activities relatively easily with a high degree of accuracy. For a cost to be charged directly to an activity there must be a direct benefit to the activity.

Directive to Physicians: An instruction made under an executed written directive by a competent adult, an issued nonwritten directive by a competent adult qualified patient, or an executed directive on behalf of a patient younger than 18 years of age, to administer, withhold, or withdraw life-sustaining treatment in the event of a terminal or irreversible condition.

Disability: The inability because of a compensable injury to obtain and retain employment at wages equivalent to the pre-injury average weekly wage.

DNR Identification Device: An identification device specified by the Texas Board of Health that is worn for the purpose of identifying a person who has executed or issued an OHDNR or on whose behalf an OHDNR order has been executed or issued under the Advance Directives Act. The Texas Board of Health has specified a distinctive standard design for a necklace and a bracelet DNR identification device.

Dual Employment - This includes employment by UTMB and/or another State agency.

Durable Power of Attorney for Health Care (DPAHC): see Medical Power of Attorney

Emergency Medical Condition means -

(A) a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain, psychiatric disturbances and/or symptoms of substance abuse) such that the absence of immediate medical attention could reasonably be expected to result in: placing the health of the individual or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part; or with respect to a pregnant woman who is having contractions-- that there is inadequate time to effect a safe transfer to another hospital before delivery, or that transfer may pose a threat to the health or safety of the woman or the unborn child.

Emergency situation is one in which there may be a potential adverse effect on a UTMB patient or employee.

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Employee: Every person in the service of UTMB under any appointment or expressed contract of employment, oral or written, whose name appears on the payroll of UTMB.

Executive Position refers to any position that includes responsibilities for a material segment of the operation or management of a business, including Board membership.

Exposure-prone procedure: A procedure involving the contact of a Health Care Worker's finger with a needle tip in a body cavity or the simultaneous presence of the Health Care Worker's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined area of the body. Such procedures pose a recognized risk of injury to the Health Care Worker that is likely to result in the Health Care Worker's blood contacting the patient's body cavity, subcutaneous tissues, or mucous membranes.

Expressed Consent: Either oral or written consent given by a competent person or authorized representative for incapacitated patient.

- Oral Consent - Consent conveyed through speech.
- Written Consent - Consent conveyed through written documentation. There are two types of Written Consent: (1) General Written Consent for Diagnosis and Treatment, and (2) Written Consent for Specific Medical and Surgical Procedures.

External Business means all businesses except the University of Texas Medical Branch at Galveston, UTMB Hospitals, the Campus-Based or Community-Based Outpatient Clinics, UTMB HealthCare Systems the Area Health Education Center (AHEC) affiliates, any private professional practice, or any other entity controlled by or under common control with UTMB or with which UTMB has a contractual relationship for the purpose of providing professional services or education.

Faculty and Staff: includes house officers, all health care providers, students, volunteers and persons hired by the University of Texas Medical Branch to perform work at or on UTMB's behalf.

The Family of a faculty member or A&P employee includes his or her spouse, dependent children, stepchildren, parents, brothers, sisters, grandparents, and grandchildren. For the purposes of this policy, family also includes those involved in amorous relationships with the faculty member or A&P employee in question.

Financially Interested Company means a commercial entity with financial interests that would reasonably appear to be affected by the conduct or outcome of the research or business at UTMB. This term includes companies that compete with the sponsor of the research or the manufacturer of the investigational product, if the covered individual actually knows that the financial interests of such a company would reasonably appear to be affected by the research or business at UTMB. This term also includes any entity acting as the agent of a financially interested company (e.g., a contract research organization).

Financially Interested Individual means a covered individual who holds a significant financial interest that would reasonable appear to be affected by the individual's research, business duties or other activity.

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Financial indigents: patients whose income level qualifies them for a reduction in their obligation to pay the remaining balance due after third party payments have been applied. The eligibility for charity care at UTMB for financial indigents will be based on patient demographics, including, but not limited to, income level, which will be indexed to the federal poverty level.

Fraud and Abuse: Fraud is defined as knowingly and willfully attempting to receive financial gain by making false statements or developing a scheme to receive anything of value. Abuse is defined as activities that result in excessive or unreasonable costs to UTMB or other state or federal agencies.

Health Care Operations: Are activities related to UTMB's functions as a health care provider, including general administrative and business functions necessary for UTMB to remain a viable health care provider. For a more detailed definition of Health Care Operations, see IHOP Policy 6.2.0, General Policy on Use and Disclosure of PHI.

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Health care operations: Any one of the following activities to the extent the activities are related to providing health care:

- Conducting quality assessment and improvement activities, including outcomes, evaluation and development of clinical guidelines, provided that the obtaining of generalizable knowledge is not the primary purpose of such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting patients with information about treatment alternatives, and related functions that do not involve treatment;
- Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance, health plan performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of non-health care professionals, accreditation, certification, licensing, or credentialing activities;
- Underwriting, premium rating, and other activities relating to the creation, renewal or replacement of a contract of health insurance or health benefits, and ceding, securing or placing a contract for reinsurance of risk relating to claims for health care;
- Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;
- Business planning and development, such as conducting cost management and planning related analyses related to managing and operating the entity, including formulary development and administration, development or improvement of methods of payment or covered policies, and
- Business management and general administrative activities:
 - Management activities related to HIPAA compliance,
 - Customer Service,
 - Resolution of internal grievances,
 - Sale, transfer, merger, or consolidation of covered entities, creating de-identified health information or limited data set, and fundraising for the benefit of UTMB.

Health care or treatment decision: Consent, refusal to consent, or withdrawal of consent to health care, treatment, service, or a procedure to maintain, diagnose, or treat an individual's physical or mental condition, including such a decision on behalf of a minor.

Health Care Worker: A person who provides direct patient health care services pursuant to authorization of a license, certificate, or registration, or in the course of a training or education program.

HIM Satellite Operations: HIM may delegate or appoint management of the UMR to approved individuals. Original records managed by HIM satellite operations will be considered part of the

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UMR. This delegation of responsibility will require a formal application process and interested parties must contact HIM to initiate the application process.

Hospital and Clinical Enterprise Sites: the buildings used by UTMB for inpatient or outpatient care including physician and administrative offices.

Human Subjects Research includes all research meeting the definition of “research” performed with “human subjects” as these terms are defined in the federal Common Rule (45 C.F.R. Part 46 and 21 C.F.R. Part 56), regardless of the source of research funding or whether the research is otherwise subject to federal regulation. In the event that the Common Rule definitions of “human subjects” or “research” are modified through rulemaking, any such revisions shall apply for the purposes of this guidance.

an *idiosyncratic reaction* (abnormal susceptibility to a drug that is peculiar to the individual) are also considered ADR’s.

Implied Consent: Consent that may be inferred by the patient's behavior (e.g., a patient extending his arm for blood to be drawn). Implied consent is rarely documented and may be relied upon only for care or treatment that is routine and does not involve significant risk(s). Implied consent may not be relied on for HIV testing except as expressly stated in Policy 9.3.10, Consent for HIV Antibody Testing.

Incapacitated: lacking the ability, based on reasonable medical judgment, to understand and appreciate the nature and consequence of a health care treatment decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care treatment decisions.

Incompetent: Lacking the ability, based on reasonable medical judgment, to understand and appreciate the nature and consequences of a treatment decision, including the significant benefits and harms of and reasonable alternatives to a proposed treatment decision.

Indirect Costs: Costs that are ordinary and routine and incurred for common or joint objectives and cannot be readily and specifically identified with a specific activity. These costs are allocated to the direct activities through the use of the indirect cost rate.

Informed Consent: Consent for treatment/procedure from a competent patient or authorized person not acting under duress, fraud, or undue pressure; and, who is adequately informed by the healthcare worker of the following information concerning the contemplated procedure/treatment:

- the patient's diagnosis.
- the general nature of the contemplated procedure, its purpose, whether it is experimental, and the name(s) of the person(s) who will perform the procedure or administer or direct the treatment.
- the benefits, risks, discomforts, and complications associated with the procedure, treatment, and potential problems related to recuperation, that may reasonably be expected, including all risks of the procedure or treatment on the Texas Medical Disclosure Panel's list of Procedures Requiring Full Disclosure List of Risks (List A).

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- the likelihood of success.
- the patient's prognosis if the procedure is not performed.
- reasonable alternative medical treatments, if any.

Immediate family: individuals who reside in the same household with the employee and are related by kinship, adoption, or marriage, as well as foster children certified by the Texas Department of Protective and Regulatory Services, or if not living in the same household, are totally dependent upon the employee for personal care or services on a continuing basis.

For the purposes of this policy, **immediate family** is defined as the employee's spouse, the employee's and spouse's children, parents, brothers, sisters, grandparents, and grandchildren.

Impairment by substance abuse refers to any condition, resulting from substance abuse, that interferes with the individual's ability to function at work as normally expected.

Impairment for other reasons refers to other categories of impairment including major debilitating illnesses, depression, dementia, or other psychopathology that may interfere with the individual's ability to function at work as normally expected.

Information - any and all data, regardless of form, that is created, contained in, or processed by, UTMB IR facilities, communications networks, or storage media.

Information Resources (IR) - any and all computer printouts, online display devices, magnetic storage media, and all computer-related activities involving any device capable of receiving email, browsing Web sites, or otherwise capable of receiving, storing, managing, or transmitting electronic data including, but not limited to, mainframes, servers, personal computers, notebook computers, hand-held computers, personal digital assistant (PDA), pagers, distributed processing systems, network attached and computer controlled medical and laboratory equipment (i.e. embedded technology), telecommunication resources, network environments, telephones, fax machines, printers and service bureaus. Additionally, it is the procedures, equipment, facilities, software, and data that are designed, built, operated, and maintained to create, collect, record, process, store, retrieve, display, and transmit information.

Information Security Officer (ISO) - Responsible to the Information Resources Manager (IRM) i.e., Vice President for Business and Administration for administering the information security functions within UTMB. The ISO is UTMB's internal and external point of contact for all information security matters.

Injury: Damage or harm to the physical structure of the body and those diseases or infections naturally resulting from the damage or harm. The term also includes occupational diseases.

Irreversible Condition: A condition, injury, or illness: a) that may be treated but is never cured or eliminated; b) that leaves a person unable to care for or make decisions for the person's own self; and c) that, without life-sustaining treatment provided in accordance with the prevailing standard of medical care, is fatal.

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Institutional Accommodation Panel - Panel appointed by the Executive Vice President charged with evaluating parameters and determining the reasonableness of making a job accommodation or modification when agreement cannot be reached within established parameters.

Institutional Conflict of Interest means whenever the financial interests of the institution, or of an institutional official acting within his or her authority on behalf of the institution, might affect – or reasonably appear to affect – institutional processes for the conduct, review, or oversight of research or for exercising any UTMB duty or responsibility.

Institutional Official means a President, Executive Vice President, Vice President, Dean, or Chief Operating Officer, or other institutional official who is responsible for the oversight of programs within the institution.

Institutional Review Board (IRB): A committee group comprised of UTMB personnel and community representatives with varying backgrounds and professional experience that review and approve the research protocol involving human subjects.

Invasive procedure: Surgical entry into tissues, cavities, or organs; repair of major traumatic injuries; cardiac catheterization and angiographic procedures; a vaginal or cesarean delivery or other invasive obstetric procedure during which bleeding may occur; or the manipulation, cutting, or removal of any oral or perioral tissues, including tooth structure, during which bleeding occurs or the potential for bleeding exists.

Job Abandonment – when an employee does not report to work and does not contact his/her supervisor for three consecutive work days. Job Abandonment also includes leaving the designated worksite without prior supervisory approval. Occurrences of job abandonment may result in disciplinary action which may include termination.

Legal Guardian: an individual or public agency appointed for a temporary, fixed, or indefinite term only by order of the court located in the county in which the patient resides.

Licensed Adoption Agency: An agency that functions as a child placing agency and has obtained a license to operate as such from the state of Texas.

Licensed Independent Practitioner (LIP): Any practitioner permitted by law and the hospital and his/her license to independently order restraints or medications for patients and who is primarily responsible for the patient's ongoing care.

Licensed Practitioner: a person licensed to practice in one of the health professions set forth in Article 3.70-2 of the *Texas Insurance Code*.

Life-sustaining Treatment: Treatment that, based on reasonable medical judgment, sustains, the life of a patient and without which the patient will die. The term includes both life-sustaining medications and artificial life support, such as mechanical breathing machines, kidney dialysis treatment, and artificial nutrition and hydration. The term does not include the administration of pain management medication or the performance of a medical procedure considered to be necessary to provide comfort care, or any other medical care provided to alleviate a patient's pain.

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Limbic System Surgery is a functional neurosurgical stereotactic or radiosurgical brain procedure used to treat patients with: unipolar and bipolar depression, obsessive-compulsive disorder (OCD), Tourette syndrome, and chronic pain.

Limited Data Set: A limited amount of Protected Health Information (PHI) that may be used and disclosed for research, public health or health care operations. This limited amount of PHI may be shared with another entity only after both parties have executed a data use agreement. See IHOP Policy 6.2.13, Use and Disclosure of PHI for Limited Data Set.

Limited Data Set: A subset of protected health information (PHI) that excludes the direct identifiers listed below. All the direct identifiers listed below must be removed for the individual and relatives, employers, or household members of the individual.

Names;
Postal address information, other than town or city, state, and zip code;
Telephone numbers;
Fax numbers;
Electronic mail addresses;
Social security numbers;
Medical record numbers;
Health plan beneficiary numbers;
Account numbers;
Certificate/license numbers;
Vehicle identifiers and serial numbers, including license plate numbers;
Device identifiers and serial numbers;
Web Universal Resource Locators (URLs);
Internet Protocol (IP) address numbers;
Biometric identifiers, including finger and voice prints; and
Full face photographic images and any comparable images.

Long-Term Training: Instructions, teaching, or other education received by a state employee that is not normally received by other state employees and that is designed to enhance the ability of the employee to perform the employee's job. The term includes a course of study at a public or private institution of higher education, if the University spends money to assist the employee to meet the expense of the course of study or pays the salary of the employee to undertake the course of study as an assigned duty. For the purpose of this policy, LTT does not include training required by state or federal law or that is determined necessary by the University and offered to all employees performing similar jobs.

Loss of protective reflexes - an inability to handle secretions without aspiration or to maintain a patent airway independently.

Malfunction - the failure of a device to meet its performance specifications or to perform as intended. Malfunction is reportable when it has or is likely to cause or contribute to death or serious illness/injury if it were to recur. (See Policy 9.13.22 for more details.)

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Managing Conservator may be a court-appointed parent, another competent adult, or an agency appointed by the court to provide the place where the minor will live and receive daily care. Consent for invasive procedures may be given only by the managing conservator.

Marketing:

1. To make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service, unless the communication is made:
 - A. To describe a health-related product or service (or payment for such product or service) that is provided by, or included in a plan of benefits of UTMB, including communications about: the entities participating in the UTMB health care provider network or health plan network; replacement of, or enhancements to, a health plan; and health-related products or services available only to a health plan enrollee that add value to, but are not part of, a plan of benefits.
 - B. For treatment of the individual;
 - C. For case management or care coordination for the individual, or to direct or recommend alternative treatments, therapies, health care providers, or settings of care to the individual; or
 - D. By UTMB to an individual that encourages a change to a prescription drug included in UTMB's drug formulary or preferred drug list.
2. An arrangement between UTMB and any other entity whereby UTMB discloses PHI to the other entity, in exchange for direct or indirect remuneration, for the other entity or its affiliate to make a communication about its own product or service that encourages recipients of the communication to purchase or use that product or service.

Notwithstanding 1 (B and C), a product specific written communication to a consumer that encourages a change in a prescription drug or a prescription medical device.

Maximum Medical Improvement (MMI): The earliest date after which, based on reasonable medical probability further material recovery from or lasting improvement to an injury can no longer reasonably be anticipated; or the expiration of 104 weeks from the date on which income benefits begin to accrue.

Medical Device - any instrument, apparatus, or other article that is recognized in the official National Formulary, or the USP, or any supplement to them, or that is intended to be used to prevent, diagnose, mitigate, or treat a disease or to affect the structure or function of the body, with the exception of drugs. For example, medical devices include, but are not limited to ventilators, monitors, dialyzers, and any other medical electronic equipment, implants, thermometers, patient restraints, syringes, catheters, in vitro diagnostic test kits and reagents, disposable components, parts, accessories, and related software.

Medical indigents: patients whose income level does not qualify them as a financial indigent, but the medical bills they have outstanding could threaten the patient/family unit's financial viability due to either (1) a catastrophic illness, (2) multiple unrelated illnesses, or (3) other factors. The

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eligibility for charity care for medical indigents will be based on patient demographics, including, but not limited to, the patient's balance due as a percentage of income level.

Medical Power of Attorney (MPOA): the document in which the patient designates in writing an agent to make healthcare decisions on his or her behalf in the event the patient becomes incapacitated as defined under this policy.

Medical Power of Attorney (formerly Durable Power of Attorney for Health Care (DPAHC): A document delegating to an agent authority to make health care decisions [on the principal's behalf if the attending physician certifies that the principal is incompetent] executed or issued under the Advance Directives Act, Subchapter D.

Medical Record Custodian: The person or department who is responsible for the maintenance, retention, access, data integrity, and data quality of PHI. The medical record custodian must ensure that the medical record(s) in their possession is maintained confidentially and only released with proper authority.

A medical record form is any UTMB-approved form filed permanently in the UTMB medical record and identified by an official form number assigned by the Forms Management Office.

Medical screening exam: The process required to reach, with reasonable clinical confidence, the point at which it can be determined whether a medical emergency does or does not exist. It is an ongoing process and must reflect continued monitoring according to the patient's needs and must continue until he/she is stabilized or appropriately transferred. The exam will include information about the chief complaint, the patient's vital signs, mental status assessment, general appearance, and a focused physical exam related to the patient's complaint. Note: Triage is not the equivalent of a medical screening examination. The medical screening exam must be the same that UTMB would perform on any individual coming to the ER with those signs and symptoms regardless of the individual's ability to pay for medical care.

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Medical Treatment: a health care treatment, service, or procedure designed to maintain or treat a patient's physical or mental condition, as well as preventative care.

Medication error: Any preventable event that may cause or lead to inappropriate medication use or patient harm while the medication is in the control of the healthcare professional or patient. This may include prescribing errors, dispensing errors, medication administration errors, and patient compliance errors.

Medication use process: The cycle of medication management which includes ordering, dispensing, administering, and monitoring and all the systems that support these processes.

Minimum Necessary: When using or disclosing PHI or when requesting PHI from another health care provider or health organization, UTMB personnel must limit PHI to the minimum necessary to accomplish the intended purpose of the use, disclosure or request. Minimum Necessary does not apply in the following circumstances:

1. Disclosures by a health care provider for treatment (students and trainees are included as health care providers for this purpose),
2. Uses and Disclosures based upon a valid authorization to use and disclose PHI,
3. Disclosures made to the Secretary of Health and Human Services,
4. Uses and disclosures required by law, and
5. Uses and disclosures required by other sections of the HIPAA privacy regulations

Minimal sedation (anxiolysis) - A drug-induced state during which patients respond normally to verbal commands. Cognitive functions and coordination may be impaired, but ventilatory and cardiovascular functions are unaffected.

Minor: an individual under the age of 18 who has not had the disabilities of minor removed by a court for general purposes (i.e., has not been legally emancipated by a court) or who is not: legally married; serving in the armed forces; or at least 16 years old and living away from home and managing his/her own financial affairs.

Minor is defined as an individual under the age of 18 and has not been legally emancipated by a court and is

- not legally or previously married;
- not serving in the armed forces;
- not presently an offender in the Texas Department of Criminal Justice or other correctional facility; or,
- not at least 16 years old and living away from home and managing their own financial affairs.

Moderate or High Complexity Tests. Moderate and high complexity tests are normally performed within a traditional laboratory setting by pathologists and medical technologists and for QC purposes have been combined under the term non-waived tests. These tests are deemed by the Center for Medicare & Medicaid Services (CMS) to be more complex in test methodology

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and performance, thus requiring specific criteria for personnel standards, proficiency testing, patient test management and quality improvement be met in order to perform the testing. Moderate or high complexity tests are not categorized as waived. Moderate and high complexity tests are further subdivided based on specific criteria for: personnel standards, proficiency testing standards, patient test management, quality control, and quality assurance standards. Moderate and high complexity tests are normally performed within a traditional laboratory setting by pathologists and medical technologists.

Moderate sedation (conscious sedation) --A drug-induced depression of consciousness during which a patient responds purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway and spontaneous ventilation is adequate. Cardiovascular function is maintained.

Near Miss – A Near miss (close call) is an event or situation that could have resulted in an accident, injury or illness, but did not, either by chance or through timely intervention. An example of a Near miss would be: surgical or other procedure almost performed on the wrong patient due to lapses in verification of patient identification but caught at the last minute by chance. Near misses are opportunities for learning and afford the chance to develop preventive strategies and actions. Near misses will receive the same level of scrutiny as adverse events that result in actual injury.

Non-Behavioral Restraint Management Standards: The use of either a physical device or chemical in response to non-aggressive/non-violent behavior or to restrict movement regardless of the intent or treatment setting.

Non-Behavioral Setting: Any patient care area or clinical setting other than a psychiatric unit or area(s) designated in the Emergency Room for behavioral patients.

Non-waived. Non-waived refers to laboratory tests that fall under the moderate or high complexity category. Due to the increase in the number of waived test methods, the 2003 Clinical Laboratory Improvement Amendment (CLIA)'88 final rule combined the moderate and high complexity test categories into a single category labeled non-waived tests. One set of CLIA QC requirements for non-waived tests – except for personnel- applies.

Non-parent Managing Conservator has essentially the same rights and duties as parent managing conservator(s), including the right to consent to medical, psychiatric, psychological, dental, and surgical treatment.

Non-waived. Non-waived refers to laboratory tests that fall under the moderate or high complexity category. Due to the increase in the number of waived test methods, the 2003 Clinical Laboratory Improvement Amendment (CLIA)'88 final rule combined the moderate and high complexity test categories into a single category labeled non-waived tests. One set of CLIA QC requirements for non-waived tests – except for personnel- applies.

An **occurrence** is a situation in which either the care given a patient, the intervention, or the outcome is inconsistent with routine patient care. These are inconsistencies which could, or did, result in injury or loss to a patient, or which might otherwise give rise to a claim against the hospital, an employee of the hospital, or a member of the hospital medical staff.

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Occupational Disease: A disease arising out of the performance of, and in the course of, employment that causes damage or harm to the physical structure of the body. The term also includes other diseases or infections that naturally result from the work-related disease. The term does not include an ordinary disease of life to which the general public is exposed, unless that disease of life is the result of an incident related to a compensable injury or occupational disease. The term includes repetitive trauma injuries.

For the purpose of this policy, '**offender/correctional patient**' implies a patient under the custody of a law enforcement agency (e.g., city or county jail) or a correctional institution (e.g, Texas Youth Commission or Texas Department of Criminal Justice).

For the purpose of this policy, the term '**offender**' implies those under the care and custody of the Texas Department of Criminal Justice (TDCJ) and the Federal Bureau of Prisons (FBOP) receiving care in the TDCJ Hospital.

Official Functions: Events sponsored by a University entity which would include both university and non-university attendees. The purpose would typically be a recognition event.

Official University Business: Driving a vehicle during the course and scope of employment for the University regardless of the frequency of driving or operating duties.

Outcomes: Conditions at the end of a course of therapy process, that are expressed in measurable terms that can with the care provided. The conditions may be physical, or financial in nature.

Out-of-Hospital DNR Order: An order prepared and signed by the attending physician of a person that documents the instructions of a person or the person's legally authorized representative and directs health care professionals acting in an out-of-hospital setting not to initiate or continue the following life-sustaining treatment: cardio-pulmonary resuscitation (CPR); advanced airway management; artificial ventilation; defibrillation; transcutaneous cardiac pacing and other life-sustaining treatment as specified by the Texas Board of Health. The term does not include authorization to withhold medical interventions or therapies considered necessary to provide comfort care or to alleviate pain or to provide water or nutrition.

Out-of-hospital setting: A location in which health care professionals are called for assistance, including long-term care facilities, in-patient hospice facilities, private homes, hospital outpatient or emergency departments, physician's offices, and vehicles during transport.

Parent is defined as the mother, the minor's legitimate father, a man adjudicated to be the biological father, or an adoptive mother or father, but not a parent with whom the parent-child relationship has been legally terminated.

Participate means to be part of the described activity in any capacity, including but not limited to, serving as the principal investigator, co-investigator, research collaborator, expert witness, or provider of direct patient care. The term is not intended to apply to individuals who provide primarily technical support or who are purely advisory, with no

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direct access to the data (e.g. control over its collection or analysis), or in the case of research, to the trial participants, unless they are in a position to influence the study's results or have privileged information as to the outcome.

Patient care alarm is any alarm that is used in patient care to alert healthcare providers of patient safety issues including but not limited to: cardiac monitors, ventilators, infusion pumps, medical gas alarms, patient call systems and bed or elopement alarms. Exclusions from this policy would be such as fire alarms, laboratory alarms, refrigerator alarms and elevator alarms.

Payment: Any activities undertaken either by a health plan or by a health care provider to obtain premiums determine or fulfill its responsibility for coverage and the provision of benefits or to obtain or provide reimbursement for the provision of health care. These activities include, but are not limited to:

- Determining eligibility, and adjudication or subrogation of health benefit claims;
- Risk adjusting amounts due based on enrollee health status and demographic characteristics;
- Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, and related health care processing;
- Review of healthcare services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;
- Utilization review activities, including pre-certification and preauthorization services, concurrent and retrospective review of services; and
- Disclosure to consumer reporting agencies of certain PHI relating to collection of premiums or reimbursement.

Permanent accommodations - Accommodation that allow an individual with a permanent disabling condition to perform the essential duties of the position.

Permanent Damage/Impairment - irreversible damage or impairment that is not trivial.

Performance leave is defined as leave granted to employees to reward and recognize individuals or groups who have clearly exceeded performance standards either in overall performance or in performance on a particular project

Personal Representative: Any adult who has decision-making capacity and who is willing to act on behalf of a patient. A personal representative would include an individual who has authority, by law or by agreement from the individual receiving treatment, to act in the place of the individual. This includes parents, legal guardians or properly appointed agents, such as those identified in Medical Power of Attorney documents, or individuals designated by state law.

Physical Restraints - Any manual or physical or mechanical device, regardless of the intended purpose, that restricts freedom of movement or normal access to one's body, material, or equipment; is attached or adjacent to the patient's body that he or she cannot easily remove including devices that serve multiple purposes such as gerichairs or side rails, when they have the effect of restricting movement and cannot be easily removed.

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Physician as used throughout this policy includes medical doctors, doctors of osteopathy, and dentists.

Possessory Conservatorship is one or more court-appointed person(s) with approved possession of the child during specified times and conditions. Rights of the possessory conservator(s) are specified by the court, usually allowing them the right to consent for medical/ dental care not involving an invasive procedure. The non-parent possessory conservator (e.g., a grandparent appointed as a possessory conservator) has the same right of access to medical, dental, and psychological records as the managing conservator, without regard to whether these rights are specified in the court order.

Position is defined as both full-time and part-time positions (including PBL), whether the position is filled or to be filled by a regular or temporary worker, but not including a position filled by a temporary worker provided by a temporary employment agency or contractor; the employment agency or contractor is expected to conduct and will be held responsible for conducting the criminal background check.

Potential adverse drug event (PADE): A mistake in prescribing, dispensing, or planned medication administration that is detected and corrected through intervention (by another healthcare worker or patient) before actual medication administration

Primary Care Physician: The regular source of health care to whom a patient goes for regular check ups, when sick or for on-going health care. A primary care physician may also be the family practitioner. The primary care physician may be a facility such as a clinic or a health department or a senior center.

Primary name - the name the patient is currently using.

Premises: a building or a portion of a building. It does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

Principal: An adult who has executed a Medical Power of Attorney.

Proxy: A person designated and authorized by a directive executed or issued in accordance with the Advance Directives Act, Subchapter B [a Directive to Physicians], to make a treatment decision for another person in the event the other person becomes incompetent or otherwise mentally or physically incapable of communication.

Principal Employer - UTMB is considered the principal employer for all full time employees. This excludes independent contractors who are paid by a private employer or other State organizations.

Prisoner/Offender: a person incarcerated in or otherwise confined to a correctional institution or other persons held in lawful custody.

Protected Health Information (PHI): Individually identifiable health information transmitted or maintained in any form or medium, including oral, written, and electronic information is

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considered PHI where there is a reasonable basis to believe the information can be used to identify an individual.

Protocols is defined narrowly by the BME and applies to RNs with advanced practice authorization (APN) by the BNE, or to Physician Assistants as defined by TSBME:

Protocols - Delegated written authorization to initiate medical aspects of patient care including authorizing a physician assistant or advanced practice nurse to carry out or sign prescription drug orders pursuant to the Medical Practice Act, Texas Occupations Code Annotated, §§157.051-157.060 and §193.6 of this title (relating to the Delegation of the Carrying Out or Signing of Prescription Drug Orders to Physician Assistants and Advanced Practice Nurses). The protocols must be agreed upon and signed by the physician, the physician assistant and/or advanced practice nurse, reviewed and signed at least annually, maintained on site, and must contain a list of the types or categories of dangerous drugs available for prescription, limitations on the number of dosage units and refills permitted, and instructions to be given the patient for follow-up monitoring or contain a list of the types or categories of dangerous drugs that may not be prescribed. Protocols shall be defined to promote the exercise of professional judgment by the advanced practice nurse and physician assistant commensurate with their education and experience. The protocols used by a reasonable and prudent physician exercising sound medical judgment need not describe the exact steps that an advanced practice nurse or a physician assistant must take with respect to each specific condition, disease, or symptom.

Psychotherapy Notes: Notes (i.e., process notes) that capture the therapist's impressions about the patient containing details of the conversation considered to be inappropriate for the medical record, and are used by the provider for future sessions. Psychotherapy notes can also be recorded (in any medium) by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session. Psychotherapy notes are kept separate from the rest of the individual's medical record.

Public Health: 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 a public agency that is responsible for public health matters as part of its official mandate.

Qualified Medical Personnel (QMP): An MD, RN, PA, or LVN at an off-site clinic who has been educated on the process for medical screening and trained in the appropriate handling of emergency situations within the scope of their education and experience.

Qualified Patient: A patient with a terminal or irreversible condition that has been diagnosed and certified in writing by the attending physician.

Qualified Protective Order: With respect to PHI requested under this section, an order of a court or of an administrative tribunal or a stipulation by the parties to the litigation or administrative proceeding that:

1. Prohibits the parties from using or disclosing the PHI for any purpose other than the

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- litigation or proceeding for which such information was requested; and
2. Requires the return to UTMB or destruction of the PHI (including all copies made) at the end of the litigation or proceeding.

Qualified Relatives: Those persons authorized to execute or issue an Out-of-Hospital DNR (OHDNR) order on behalf of a person who is incompetent or otherwise mentally or physically incapable of communication if the person does not have a legal guardian, proxy, or agent under a Medical Power of Attorney. In accordance with the Advance Directives Act, if an adult person has not executed or issued an OHDNR order and is incompetent or otherwise mentally or physically incapable of communication, and if the person does not have a legal guardian, proxy, or agent under a Medical Power of Attorney, the attending physician and at least one qualified relative from the following category, in the following priority, may execute an OHDNR order: 1) the patient's spouse; 2) the patient's reasonably available adult children; 3) the patient's parents; or 4) the patient's nearest living relative.

Point of Care Testing (POCT). POCT is laboratory testing performed at or near the patient site, usually by non-laboratory employees (e.g., nurses, respiratory therapists, and perfusionists). The central criterion of POCT is that it does not require permanent dedicated space. Examples include kits and instruments that are hand-carried or otherwise transported to the vicinity of the patient for immediate testing at that site. POCT does not include limited service satellite laboratories with fixed dedicated testing space. Synonyms: bedside tests, alternative site test, near patient testing.

Record: Any item, collection, or grouping of information that includes PHI and is maintained, collected, used, or disseminated by or for UTMB.

Referring Physician: The source behind a particular episode of health care. The referring physician may be the primary care physician, may be a faculty member, and may be the consulting physician to whom the primary care physician referred the patient

Registration is defined as the recognition of successful completion of mandated requirements for the practice of a particular profession. Compensation for completing registration is included in the base salary of the particular job category.

Repetitive Trauma Injury: Damage or harm to the physical structure of the body occurring as a result of repetitious, physically traumatic activities that occur over time and arise out of and in the course and scope of employment.

Reporting means the provision of information about significant financial interests by a covered individual to responsible institutional officials and to the institutional COI Committee, or the transmission of such information within institutional channels (e.g., from the COI Committee to the IRB).

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Research: A systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalized knowledge. Activities which meet this definition constitute research for purposes of this policy whether or not they are conducted or supported under a program that is considered research for other purposes. For example, some demonstration and service programs may include research activities

Reasonable Circumstances means the circumstances that a reasonable prudent layperson would expect a covered individual to maintain given the need to accomplish a specific task related to UTMB activities but having a significant financial interest. Reasonable circumstances might include the extent of the conflict to the institution and the potential effect of the conflict upon the research or activity itself, the institution, and the sponsor or external party.

Responsible Institutional Review Board (IRB) is the institutional review board (or boards) with jurisdiction over the research as specified in the multiple projects assurance (MPA) (or the federal-wide assurance (FWA) that the institution has provided to the U.S. Department of Health and Human Services, or as otherwise established under DHHS or FDA regulation or policy.

Restriction: An agreed upon limitation of UTMB's ability to use and disclose of PHI. For instance, UTMB and the patient may agree that the patient's information is not to be used for certain Treatment, Payment or health care Operation (TPO) functions, (e.g., The patient may request UTMB not include their information in the Patient Directory.)

Revocation: An individual's right to void a prior authorization to use and disclose PHI. (Note: After the revocation, UTMB may no longer use or disclose the patient's PHI without the patient's authorization unless UTMB in good faith and has already acted in reliance upon the authorization.)

Same Day Admit is surgery that is scheduled for patients who come in on the morning of surgery and have a planned hospitalization.

Same Day Surgery is surgery that is scheduled for patients who come in on the morning of surgery and are discharged postoperatively.

Salvage property is defined as property which is either:

- broken beyond economical repair, or
- so obsolete that it will not perform its intended function.

Scheduled absence - supervisor notified of absence 24 hours prior to time off from work.

Secondary Employer - for employees whose principal employer is UTMB, the secondary employer is the other state agency to which they are applying for dual employment.

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Sensitive Information - the classification of data requiring special precautions to protect it from unauthorized modification or deletion. It may be either public or confidential but requires a higher than normal assurance of accuracy and completeness. The controlling factor for sensitive data is assuring and maintaining integrity.

Sentinal Event – an unexpected occurrence involving death or serious physical or psychological injury, or the risk thereof. Serious injury specifically includes loss of limb or function. The phrase “or the risk thereof” includes any process variation for which a recurrent would carry a significant chance of a serious adverse outcome.

Serious Illness or Injury - an illness or injury that (i) is life threatening; (ii) results in permanent impairment of a body function or permanent damage to a body structure, or (iii) requires medical or surgical intervention to preclude permanent impairment of a body function or permanent damage to a body structure.

Sexual assault refers to rape as well as other forms of forcible or non-forcible activity. Sexual assault occurs when one person without consent causes another person to participate in any type of oral, anal, vaginal, or other sexual act.

Shadowing: following physicians or other clinical personnel.

side effects (expected, well-known reactions resulting in little or no change in patient management) are not included in this definition.

Significant Financial Interest means anything of monetary value, including, but not limited to:

- Consulting fees, honoraria (including honoraria from a third party, if the original source is a financially interested company), gifts or other emoluments, or “in kind” compensation from a financially interested company (or entitlement to the same), whether for consulting, lecturing, travel, service on an advisory board, or for any other purpose not directly related to the reasonable costs of conducting the research or activity (as specified in the agreement), that in the aggregate have in the prior calendar year exceeded the de minimus amount established in PHS regulation (presently \$10,000), or are expected to exceed that amount in the next twelve months.
- Equity interests, including stock options, of any amount in a non-publicly-traded financially interested company (or entitlement to the same).
- Equity interests, including stock options, of any amount in a non-publicly-traded financially interested company of either \$10,000 or 5% equity ownership (or entitlement to the same). [3]
- Royalty income or the right to receive future royalties under a patent license or copyright, where the research is directly related to the licensed technology or work of any amount.
- Compensation from a financially interested company (or entitlement to interests (e.g. stocks, stock options, or other ownership interests); and intellectual property rights (e.g. patents, copyrights, and royalties from such rights) that in the aggregate have in the prior calendar year exceeded the de minimus amount established in PHS regulation (presently \$10,000), or are expected to exceed that amount in the next twelve months.

This term does not include:

- Salary, royalties, or other remuneration from UTMB;

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- Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
- Income from service on advisory Committees or review panels for public or nonprofit entities;
An equity interest that, when aggregated for the employee and his or her family, meets both of the following tests: (1) does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value other reasonable measures of fair market value and (2) does not represent more than a five percent ownership interest in any single entity;
- Non-UTMB salary, royalties, or other payments, including consulting fees and expert witness testimony, that, when aggregated for the employee and his or her family over the next twelve months, are not expected to exceed \$10,000 in the aggregate; or
- Interest in mutual funds where the individual has no control over the selection of holdings.

Source Data: Source Data includes health information stored in any original media. Examples of Source Data include, but are not limited to, paper diagnostic tests or tools, x-rays, videotapes, ultrasounds, fetal monitor strips, photographs (either conventional photos or digital images), EKG strips, and ancillary or supporting systems (e.g. pharmacy information systems and radiation oncology information systems). These forms of Source Data have unique retention schedules. The UMR must contain a written interpretation of all Source Data. Source Data is distinct from the written interpretations of significant clinical information that has been forwarded to the UMR.

Sponsored Research means research, training, and instructional projects involving funds, materials, or other compensation from outside sources under agreements that contain any of the following:

- The agreement binds UTMB to a line of scholarly or scientific inquiry specified to a substantial level of detail. Such specificity may be indicated by a plan, by the stipulation of requirements for orderly testing or validation of particular approaches, or by the designation of performance targets.
- A line-item budget or modular budget is involved. A line-item budget details expenses by activity, function, or project period. The designation of overhead (or indirect costs) qualifies a budget as "line item"
- Financial and/or programmatic reports are required.
- The award is subject to external audit.
- The agreement provides for the disposition of either tangible (for example, equipment, records, technical reports, theses, or dissertations) or intangible (for example, rights in data, copyrights, or inventions) properties that may result from the activity.

Stabilize: *The provision of such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility, or, with respect to a pregnant woman in labor, that the woman has delivered (including the placenta).*

Standing delegation order - Written instructions, orders, rules, regulations, or procedures prepared by a physician and designed for a patient population with specific diseases, disorders, health problems, or sets of symptoms. Such written instructions, orders, rules, regulations or procedures shall delineate under what set of conditions and circumstances action should be

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instituted. These instructions, orders, rules, regulations or procedures are to provide authority for and a plan for use with patients presenting themselves prior to being examined or evaluated by a physician to assure that such acts are carried out correctly and are distinct from specific orders written for a particular patient, and shall be limited in scope of authority to be delegated as provided in section 193.4 of this title (relating to Scope of Standing Delegation Orders). As used in this chapter, standing delegation orders do not refer to treatment programs ordered by a physician following examination or evaluation by a physician, nor to established procedures for providing of care by personnel under direct, personal supervision of a physician who is directly supervising or overseeing the delivery of medical or health care. Such standing delegation orders should be developed and approved by the physician who is responsible for the delivery of medical care covered by the orders. Eleven (11) stipulations are delineated in both the BNE position statement 15.5 and the standing delegated orders chpt193.1-193.11.

Standing medical orders - Orders, rules, regulations or procedures prepared by a physician or approved by a physician or the medical staff of an institution for patients which have been examined or evaluated by a physician and which are used as a guide in preparation for and carrying out medical or surgical procedures or both. These orders, rules, regulations or procedures are authority and direction for the performance for certain prescribed acts for patients by authorized persons as distinguished from specific orders written for a particular patient.

Subsidiary Medical Record (SMR): A medical record maintained by a specific department other than HIM department, which contains original/official information in paper or electronic form concerning outpatient health care administered by UTMB health care providers to UTMB patients.

Substance Abuse Treatment Program Record: Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by UTMB. The Substance Abuse Treatment Record does not apply to screening unless the screening is part of the treatment process.

Surplus property is property that no longer serves the needs of a department. Surplus property may be transferred to another department or institution or may be transferred to the surplus equipment storeroom at materials management.

Surrogate means an individual with decision-making capacity who is identified as the person who has authority to consent to medical treatment on behalf of an incapacitated patient in need of medical treatment.

Surrogate Decision-Maker: an individual with decision-making capacity who is identified as the person who has authority to consent to medical treatment on behalf of an incapacitated patient in need of medical treatment. Texas' statutory list, in the following order of priority, includes:

- (i) the patient's spouse;
- (ii) an adult child of the patient who has the waiver and consent of all other qualified adult children of the patient to act as the sole decision-maker;
- (iii) a majority of the patient's reasonably available children
- (iv) the patient's parent(s); or
- (v) the individual clearly chosen by patient (before his/her incapacity) to act as surrogate, patient's nearest living relative, or a member of the clergy.

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Note: Any dispute as to the right of a party to act as a surrogate decision-maker may be resolved only by a court of record having jurisdiction under Chapter V, Tex. Probate Code.

Tailgating (Piggybacking): when one vendor representative officially registers but is accompanied by another individual/ individuals who have not registered.

Tardies – when employee(s) report to work after the scheduled starting time. Each department determines the acceptable standard for tardies.

Technology means any process, method, product, compound, drug, device, or any diagnostic, medical, or surgical procedure developed using UTMB, facilities, equipment, or funds, whether intended for commercial use or not.

Telecommuting is defined working from a remote workplace, such as a private home, instead of commuting to a designated headquarters. Emphasis is placed on information or communication exchanged through telephones and remote devices such as computers, modems, and fax machines to allow an employee to work at a remote workplace.

Terminal Condition: An incurable condition caused by injury, disease, or illness that according to reasonable medical judgment will produce death within six months, even with available life-sustaining treatment provided in accordance with the prevailing standard of medical care.

Temporary Income Benefits: Weekly compensation benefits based on a percentage of the employee's average weekly wage as established by State law. An employee may qualify for temporary income benefits if he or she has a disability as a result of a compensable injury and has not reached maximum medical improvement

Temporary modifications - modification less than six months which facilitates an employee's recovery process and transition back to full duty.

Test Site Management. Test site management refers to the individual(s) accountable for supervising and ensuring compliance of their personnel within departments performing POCT.

A **threat of violence** includes any behavior that by its very nature could be interpreted by a reasonable person as an intent to cause physical harm to another individual.

Third Party Release Agreement: A document used by the mother of a newborn child to authorize the release of her child to a licensed adoption agency, the DPRS, or another designated person. This document may be signed before or at the time an *Affidavit* is signed.

Treatment: The provision, coordination, or management of health care related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or for the referral of a patient for health care from one health care provider to another.

Treatment, Payment, and Health Care Operations (TPO): Three core functions of providing health care to patients. Treatment involves the administering, coordinating and management of health care services by UTMB for its patients. Payment includes any activities undertaken either

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by UTMB or a third party to obtain premiums, determine or fulfill its responsibility for coverage and the provision of benefits or to obtain or provide reimbursement for the provision of health care. Health Care Operations are activities related to UTMB's functions as a health care provider, including general administrative and business functions necessary for UTMB to remain a viable health care provider. For a more detailed definition of TPO, see IHOP Policy 6.2.0., General Policy on Use and Disclosure of PHI..

Unanticipated Outcome: An unexpected result stemming from the performance or omission of a diagnostic test, medical judgment or treatment, or medical/ surgical intervention

Unit Medical Record (UMR): The UTMB medical record maintained by the HIM Department that is designed to contain a composite of all significant hospital and clinical information gathered on a given patient, whether as an inpatient, outpatient, or emergency care patient. Portions of the UMR may be housed at various locations throughout the UTMB system. The UMR has a permanent retention schedule.

University Facilities: Property, buildings, and facilities owned or controlled by UTMB that are maintained and used for programs and activities related to the role and mission of UTMB.

University-Owned Vehicle: A vehicle to which the University holds title or a vehicle leased by the University for more than one year.

Unscheduled Leave Occurrence – unscheduled absence of one or more consecutive workdays. Absences of consecutive work days for the same reason are recorded as one occurrence.

Unscheduled absence notification of an absence anytime less than 24 hours. Excessive unscheduled absences may result in disciplinary action including termination.

Urgently/Emergently Required Medical Treatment: a medical treatment, procedure or intervention to prevent, alleviate, or reverse a condition or symptoms that, in the absence of immediate medical attention, reasonably could result in jeopardy of the patient's health, serious impairment of the patient's bodily functions, or serious dysfunction of any bodily organ or part. Example: The administration of blood or blood components.

Use: The sharing, utilization, examination, or analysis of information that identifies, or reasonably can be used to identify, a patient within UTMB.

User - An individual or automated application or process that is authorized access to the resource by the owner, in accordance with the owner's procedures and rules.

UTMB Committee: A task force or institution-wide committee appointed by UTMB to oversee the development and implementation of educational programs related to HIV and HBV, and to advise the administration on policies regarding HIV and HBV. It is suggested that the committee include, as a minimum, representation from the faculty, the student body, and administrative areas such as housing services, health services, counseling services, and food services.

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UTMB Expert Review Panel: A panel appointed by the President of UTMB to review instances of HIV or HBV infection in Health Care Workers and to identify exposure-prone procedures and to determine those circumstances, if any, under which a Health Care Worker who is infected with HIV or is HBeAg positive may perform such procedures. The panel should be composed of experts who provide a balanced perspective and might include: Health Care Worker's personal physician(s); an infectious disease specialist with expertise in the epidemiology of HIV and HBV transmission; a health professional with expertise in the procedures performed by the affected health care worker; a member of UTMB's infection control committee, preferably a hospital epidemiologist and an occupational health specialist.

Variance: A characteristic that is measured for individuals groups (e.g., patients on critical paths or patients not these may be either process or outcome variances).

Vehicle: Equipment of a motorized, vehicular nature, which requires a State driver's license to operate. This does not include riding lawnmowers or other vehicles that normally operate off public thoroughfares, except for incidental crossing of a public roadway.

Vendor: Any representative of a manufacturer or company who visits UTMB for the purpose of soliciting, marketing, or distributing information regarding the use of medications, products, equipment or services.

Weapon: a handgun, illegal knife, or club

Witnesses: In any circumstance in which the Advance Directives Act requires the execution of an advance directive or the issuance of a nonwritten advance directive to be witnessed: each witness must be a competent adult; and at least one of the witnesses must be a person who is not:

- a person designated by the declarant to make a treatment decision;
- a person related to the declarant by blood or marriage;
- a person entitled to any part of the declarant's estate after the declarant's death under a will or codicil (i.e., a supplement or appendix to a will) executed by the declarant or by operation of law;
- the attending physician;
- an employee of the attending physician;
- an employee of UTMB if the employee is providing direct patient care to the declarant or is an officer, director, partner, or business office employee of UTMB or any parent organization of UTMB; or
- a person who, at the time the written advance directive is executed or, if the directive is a nonwritten directive issued under the Advance Directives Act, at the time the nonwritten directive is issued, has a claim against any part of the declarant's estate after the declarant's death.

Workplace includes all University facilities and off-campus locations where faculty, staff or agents are engaged in University business.