

Section 6	Compliance Policies	- Effective
Subject 6.2	Privacy and Disclosure	- Revised
<b>Policy 6.2.2</b>	<b>Permitted Use and Disclosure of PHI – Individual Care and Notification Purposes</b>	- Reviewed
		Compliance Office - Author

## Permitted Use and Disclosure of PHI– Individual Care and Notification Purposes

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### **Audience**

The information in this document applies to all UTMB faculty, staff, students, volunteers, and any other contractors or agents granted access to Protected Health Information (PHI).

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### **Policy**

UTMB may use and disclose certain PHI without the written consent or authorization to release the information if UTMB has informed the individual in advance of the use or disclosure and have the opportunity to agree, prohibit, or restrict the disclosure. UTMB may orally inform the individual of the permitted uses and disclosures and obtain the individual’s agreement or objection to a use or disclosure permitted by this policy. In some circumstances, UTMB may use and disclose certain information without consent, authorization, or oral agreement as outlined within this policy. UTMB faculty, staff and students must document the agreement, prohibition, or restriction in the medical record.

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### **Uses and Disclosures for Involvement in the Individual’s Care and Notification Purposes**

UTMB may disclose to a family member, other relative, a close personal friend of the individual, or any other person identified by the individual, the PHI directly relevant to such person’s involvement with the individual’s care or payment related to the individual’s health care. UTMB may use or disclose PHI to notify or to assist in the notification of a family member, a personal representative of the individual, or another person responsible for the care of the individual of the individual’s location, general condition, or death. UTMB can also use and disclose PHI in these circumstances for identifying or locating the types of persons mentioned above. In order for UTMB to use or disclose PHI for these purposes, the individual’s presence is a determining factor. The following processes outline how UTMB may use and disclose PHI for these purposes.

Section 6	Compliance Policies	- Effective
Subject 6.2	Privacy and Disclosure	- Revised
<b>Policy 6.2.2</b>	<b>Permitted Use and Disclosure of PHI to Family, Friends – Individual Care and Notification Purposes</b>	- Reviewed
		Compliance Office - Author

## **Permitted Use and Disclosure of PHI to Family and Friends – Individual Care and Notification Purposes, continued**

### **Uses and Disclosures with the Individual Present**

If the individual is present for, or otherwise available prior to, a use or disclosure and has the capacity to make health care decisions, UTMB may use or disclose the PHI if it:

1. Obtains the individual’s agreement;
2. Provides the individual with the opportunity to object to the disclosure, and the individual does not express an objection; or
3. Reasonably infers from the circumstances, based on the exercise of professional judgment that the individual does not object to such disclosure.

### **Limited Uses and Disclosures when the Individual is not Present**

If the individual is not present or the opportunity to agree or object to the use or disclosure cannot practicably be provided because of the individual’s incapacity or an emergency circumstance, UTMB may, in exercise of professional judgment, determine whether the disclosure is in the best interest of the individual and, if so, disclose only the PHI that is directly relevant to the person’s involvement with the individual’s health care. UTMB may use professional judgment and its experience with common practice to make reasonable inferences of the individual’s best interest in allowing a person to act on behalf of the individual to pick up filled prescriptions, medical supplies, x-rays, or other similar forms of PHI.

### **Reference**

45 C.F.R. §164.510(b)