Section 6	Compliance Policies	04/11/03 - Originated
Subject 6.2	Privacy Related	08/31/07 - Reviewed w/changes - Reviewed w/o changes
Policy 6.2.7	**Use and Disclosure of PHI for Disaster Relief Purposes**	Compliance Office - Author

Use and Disclosure of PHI for Disaster Relief Purposes

Policy

UTMB, in an effort to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), maintains that patient information must be kept private and confidential.

UTMB may use or disclose PHI to a public or private entity authorized by law or by its charter to assist in disaster relief efforts, for the purposes of coordinating with such entities. UTMB may use or disclose PHI for disaster relief purposes if UTMB:

1. Obtains the individual's oral agreement and the individual has capacity;
2. Obtained the individual's agreement while the individual had capacity to make health care decisions;
3. Provides the individual with the opportunity to object to the disclosure, and the individual does not express an objection; or
4. Reasonably infers from the circumstances, based on the exercise of professional judgment that the individual does not object to such disclosure.

The above factors apply as long as UTMB has determined, in the exercise of professional judgment, the requirements do not interfere with the ability to respond to the emergency circumstances.

UTMB Patients Displaced in a Disaster

UTMB is allowed to use and disclose PHI for patients who are displaced and in need of health care as a result of a disaster.

In the case of a disaster, UTMB can share PHI as necessary to provide treatment to the patient. This includes:

1. Sharing information with other providers including hospitals and clinics;
2. Referring patients for treatment;
3. Coordinating patient care with other providers and/or emergency relief workers to help find patients appropriate medical treatment

UTMB Patients Displaced in a Disaster, continued

UTMB may also share PHI as necessary to identify, locate and notify family members, guardians, or anyone else responsible for the patient's care and provide them with the patient's location and general condition.

UTMB is allowed to notify the police, press or the public at large during or after a disaster to help locate, identify or otherwise notify family members or others as to the location and general condition of a patient.

UTMB Patients in Imminent Danger

If UTMB patients are ever in a situation of imminent danger, UTMB may share PHI with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of the patient.

References

45 C.F.R. §164.510(b)(4)

U.S. Department of Health and Human Services Office of Civil Rights Bulletin: HIPAA Privacy and Disclosures in Emergency Situations, September 2, 2005 (Post Hurricane Katrina clarification)