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| **Section 6.0** | **Policies & Procedures** | 09/04/2003 - Effective |
| **Subject** | **Department Operations** | 01/27/09- Reviewed<br>8/27/04- Revised |
| **Policy 6.5** | **Disclosures of PHI** | Care Management - Author |

# Disclosures of Protected Health Information (PHI)

## Audience

All staff in the Department of Care Management.

## Policy

The HIPAA Privacy Regulations provide patients the right to receive an accounting of the disclosures made of their PHI for the past 6 years, but not before April 14, 2003. The accounting will include: (1) the date of the disclosure; (2) the name of the entity or person who received the PHI and, if known, the address; (3) a brief description of the PHI disclosed; and (4) a brief statement of the purpose of the disclosure. Care Managers shall use the following guidelines for disclosing and accounting for disclosures of PHI. Care Management Department staff will comply with all UTMB policies regarding PHI. They can be found under HIPAA on the UTMB Website.

## Procedure

Most disclosures made by Care Management staff are for the purposes of treatment, payment and proper management of internal operations (TPO) and do not require patient authorization. For those disclosures that are not TPO, staff shall either obtain a signed authorization from the patient or his/her legal decision-maker (minor or incapacitated adult), or document the disclosure using the Medical Record Tracking database in Clinweb. Staff may consult with their Team Leader, an Assistant Director or Director, or HIM staff if clarification is needed regarding whether an authorization or Clinweb documentation is needed.

The most common/frequent disclosures made by Care Management staff and applicable actions are listed below.

| Entity Receiving PHI | Covered as TPO - No Form Needed | Not TPO - Authorization Required | Not TPO - Clinweb Accounting of Disclosures Can Replace Authorization |
|---|---|---|---|
| Hospice | X | | |
| Letter to Immigration | | X | |
| Nursing Homes/SNF | X | | |
| Home Health | X | | |
| Pharmacy | X | | |
| Ambulance/Enterprise | X | | |
| Hospitals/Physicians continuing care | X | | |
| CPS | | X* | X |
| APS | | X* | X |
| Nursing Home Hotline | | X* | X |
| Ronald McDonald House | | X | |
| Pre-registration-Jesse Tree | | X | |
| Women's Crisis Center | | X | |
| Potential caregivers of TDCJ baby | | X | |
| Adoption Agencies | X | | |
| Adoptive Parents | X | | |
| MHMR, substance abuse tx facilities sending pt for medical clearance | X | | |
| Durable Medical Equipment Providers | X | | |
| Shipping Company Agents | X | | |

*Under circumstances in which it is not in best interest of parties involved to obtain authorization, accounting of the disclosures in Clinweb Tracking can be used