Section 9 Clinical Policies Subject 9.2 Patient Records **Policy 9.2.1 Management of UTMB's Protected Health Information (PHI)**	05/12/05 -Originated 10/06/11 -Reviewed w/ changes 08/24/14 -Reviewed w/o changes Health Information Management -Author

Management of UTMB's Protected Health Information (PHI)

Policy

This policy is intended to clarify the responsibilities for the oversight and management of Protected Health Information (PHI) created at UTMB facilities (both inpatient and outpatient) or created by UTMB health care providers while providing treatment at a non-UTMB facility.

At UTMB, once the doctor-patient relationship is formed, UTMB has a legal obligation to maintain, protect and store all information related to this relationship regardless of whether or not the treatment of the patient occurs in an inpatient or outpatient setting. When UTMB providers bill for professional service performed at a non-UTMB facility, copies of the records from that facility will be stored in Epic under the "Non-UTMB Facility Documentation" document type.

UTMB's Department of Health Information Management (HIM) is the official custodian of health information. HIM is responsible for the management of physician documentation and for any documentation generated by any other UTMB health care professional who influences a patient's care during the course of treatment.

If UTMB hires an entity to provide health care for UTMB patients or to provide services on behalf of UTMB, the information generated from this non-UTMB entity becomes the responsibility of HIM. This information must become part of and be maintained within UTMB's Unit Medical Record (UMR). Additional information is available in IHOP Policy 9.2.13 *UTMB Medical Record Policy*.

> **Example:** UTMB hires a non-UTMB physician or another health care provider to perform medical services on behalf of UTMB. The EmCare contract in the Emergency Department is an example of this arrangement.

Exceptions

HIM is not responsible for managing health information in the following situations:

Exceptions, continued

1. An entity hires UTMB to perform services on the entity's behalf. The information generated is the responsibility of the hiring entity unless otherwise delineated in a contractual agreement.

   Example: A UTMB department is hired by contract to provide physician services on behalf of a county health district in the county health district clinic. In this instance there would be no obligation for HIM to retain or maintain health information created by the UTMB physicians. Furthermore, the physician would not be required to maintain documentation for billing.

   Note: If UTMB is performing services on behalf of another entity as a result of a contract, the contract must be reviewed to ensure that UTMB did not assume the responsibility of managing health information. Questions regarding the responsibility of management of health information should be referred to Legal Affairs and reviewed by HIM.

2. UTMB physicians or health care providers are treating patients in a non-UTMB facility. In this situation, if a medical record number (MRN) is needed for professional billing purposes, designated hospital service codes in Epic ("OUT" for non-UTMB outpatients and "NUT" for non-UTMB inpatients) must be used when issuing the MRN.

   Example: UTMB health care providers treat patients in local hospitals or nursing homes on behalf of UTMB. It is the normal custom and required by law that the facility where the treatment is administered be responsible for maintaining the health information.

If providers wish to have non-UTMB health care information available for treatment purposes at UTMB, the following must occur:

1. ***Pre-existing Patients***. These are UTMB patients who have been assigned a MRN prior to receiving treatment at the non-UTMB facility. Non-UTMB health care information can be incorporated into the UMR if the provider so

Exceptions, continued

chooses. These records must be marked with the patient's UTMB MRN then forwarded to HIM for scanning into Epic.

2. ***Patients who have not been seen at a UTMB facility***. If there is no pre-existing UTMB relationship or UMR, a provider may maintain convenience copies of health care information. If the patient is subsequently seen at UTMB and the information is used for treatment, then the information may be incorporated into the UMR.

Additional information is available in IHOP Policy 9.2.13 *UTMB Medical Record Policy.*

References

Texas Occupations Code Chapter 159 Physician-Patient Communication