

TITLE

Permissible Uses and Disclosures of Protected Health Information

PURPOSE

To provide assistance and guidance to The University of Arizona (UA) Health Care Components (HCCs) in creating and implementing procedures regarding proper uses and disclosures of Protected Health Information (PHI). This Procedure provides specific guidance regarding uses and disclosures of PHI for which an Authorization is not required.

REVIEW/REVISIONS

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- 06/2015

REFERENCES AND RELATED FORMS

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- Capitalized terms are defined in HIPAA Privacy Program Guidance (Definitions of Key Words) and 45 CFR Parts 160 and 164
 - HIPAA Privacy Program Form B (HIPAA Authorization)

STANDARDS

HCCs must implement procedures and practices that safeguard the confidentiality, availability and integrity of PHI in their possession while assuring that information flows to the extent necessary for the continuance of quality patient care services.

1. Permitted Uses and Disclosures: HCCs must implement procedures and practices that comply with the applicable provisions of 45 CFR § 164.502 regarding the permitted uses and disclosures of PHI. Permitted uses and disclosures are those that the HCC may make without the necessity of obtaining a signed Authorization from the individual. Permitted uses and disclosures may consist of the following:
 - a. Disclosures to the individual;
 - b. Uses and disclosures for treatment, payment and health care operations;
 - c. Incident to a use or disclosure otherwise permitted, provided certain conditions are met (see 45 CFR § 164.502 (a));
 - d. Pursuant to a valid Authorization; and
 - e. Certain disclosures, when the patient either has agreed or has not objected to the disclosure (see 45 CFR § 164.510).
2. Uses and Disclosures for Which an Authorization or Opportunity to Agree or Object Is Not Required: 45 CFR § 164.512 addresses uses and disclosures that do not require either an Authorization or an opportunity for the individual to agree or object. Those situations include the following:
 - a. Uses and disclosures required by law (45 CFR § 164.514(a)(1));
 - b. Uses and disclosures for public health activities (45 CFR 164.514.(b));

- c. Disclosures about victims of abuse, neglect or domestic violence (45 CFR 164.514(c));
 - d. Uses and disclosures for health oversight activities (45 CFR 164.514(d)(1), but note the exceptions in 45 CFR 164.514(d)(2));
 - e. Disclosures for judicial and administrative proceedings (45 CFR 164.514(e), but note the restrictions , especially as regards subpoenas and due process);
 - f. Disclosures for law enforcement purposes (45 CFR 164.514(f), but note the restrictions regarding process);
 - g. Uses and disclosures about decedents (45 CFR 164.514(g)) or for cadaveric organ, eye or tissue donation purposes (45 CFR 164.514(h));
 - h. Uses and disclosures for research purposes (45 CFR 164.514(i));
 - i. Uses and disclosures to avert a serious threat to health or safety (“Tarasoff” duty to warn; 45 CFR 164.514(j));
 - j. Uses and disclosures for specialized military functions (45 CFR 164.514(k)); and;
 - k. Disclosures for workers’ compensation (45 CFR 164.514(l)).
3. Workforce members must make all reasonable efforts to encrypt all PHI that is transmitted electronically via email or any other online source.
 4. HCCs are strongly encouraged to contact the HIPAA Privacy Program whenever one of the following potential uses or disclosures arises to review the nature of the contemplated use/disclosure and determine whether it complies with the regulations.
 5. For a valid sample Authorization form, please see HIPAA Privacy Program Form B (HIPAA Authorization).