

**HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES**

Chapter 11	Patient Privacy Policies	Effective:	April 2003
Section 11.2	Uses and Disclosures of Protected Health Information	Revised:	February 2006
<b>Policy 11.2.14</b>	<b>Uses and Disclosures Requiring the Opportunity to Agree or Object</b>	Responsibility:	Assistant Vice President for Regulatory Affairs & Compliance

## **USES AND DISCLOSURES REQUIRING THE OPPORTUNITY TO AGREE OR OBJECT**

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### **Policy**

The Health Science Center may use or disclose protected health information, provided that the individual is informed in advance of the use or disclosure and has the opportunity to agree to or to prohibit or restrict the use or disclosure, as described in this policy.

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### **Facility Directories**

Except when an objection is expressed, the Health Science Center may use the following portions of the patient's protected health information to maintain a directory of individuals being treated in its clinics.

1. The individual's name;
2. The individual's location in the facility;
3. The individual's condition described in general terms that do not communicate specific medical information about the individual; or,
4. The individual's religious affiliation.

The Health Science Center may disclose facility directory information, as listed above, to members of the clergy even if the clergy member does not inquire about an individual by name.

The Health Science Center may disclose directory information, except for the individual's religious affiliation, to other persons who ask for the individual by name. The Health Science Center has the right to withhold some portions of the patient's facility directory information, if based on professional judgment, it determines that this is in the patient's best interest.

The Health Science Center gives the individual the opportunity to object to such uses and disclosures. The patient is informed of information included in the directory via the "[Notice of Privacy Practices](#)". If

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the patient objects, the Health Science Center will not include the individual's information in the directory, as permitted by this policy.

If the opportunity to object to uses or disclosures cannot be practically provided because of the individual's incapacity or an emergency treatment circumstance, the Health Science Center may use or disclose some or all of the protected health information as described in this policy if such disclosure is:

1. Consistent with a prior expressed preference of the individual, if any, that is known to the health care provider; and,
2. In the individual's best interest as determined by the Health Science Center, in the exercise of professional judgment.

The Health Science Center must inform the individual and provide an opportunity to object to uses or disclosures for directory purposes as required by this policy when it becomes practical to do so, such as when the patient is able to state his/her preferences or when a reliable personal representative for the patient becomes available.

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**Family and Friends**

The Health Science Center may disclose to a family member, other relative, or a close personal friend of the individual, or any other person identified by the individual, the protected health information directly relevant to such person's involvement with the individual's care or payment related to the individual's health care.

The Health Science Center may use or disclose protected health information to notify or to assist in the notification of a family member or 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.

If the individual is present, or is otherwise available prior to a use or disclosure and has the capacity to make health care decisions, the Health Science Center may use or disclose the protected health information if it:

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1. Obtains the individual's agreement;
  2. Provides the individual with the opportunity to object, 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 a disclosure.

If the individual is not present or the opportunity to agree or object cannot practically be provided because of the individual's incapacity or in an emergency circumstance, the Health Science Center may, in exercise of professional judgment, determine whether the disclosure is in the best interest of the individual. If the Health Science Center decides to do this, it should disclose only the protected health information that is directly relevant to the person's involvement with the individual's health care.

The Health Science Center may use professional judgment and its experience with common practices 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 protected health information.

The Health Science Center may use or disclose protected health information 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 the uses and disclosures permitted in this policy. This is in effect to the extent that based on professional judgment, such activities do not interfere with the ability to respond to emergency situations.

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