

SUBJECT: Disclosure of Information Without Written Authorization to Family Member

EFFECTIVE DATE: DRAFT

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REVIEWED/REVISED:

PURPOSE: To define instances when confidential information may be released without the written authorization of the patient.

POLICY: Pursuant to the Health Insurance Portability and Accountability Act (HIPAA), Section 164.510, a health care professional may disclose to a:

- Family member
- Other relative
- Close personal friend
- Person identified by the patient

such confidential information that is relevant to that individual's involvement with the patient's care or payment for care, unless the patient has requested such disclosure not occur and the provider has agreed.

When the patient is present during (or available prior to) a use or disclosure described above, the health care professional may use/disclose the information if they:

- Obtain the patient's agreement
- Provide the patient with an opportunity to object
- Infer from the circumstance that the patient does not object.

In instances when the patient is not present, or is incapacitated, disclosure may be made based on the best interest of the patient and the professional judgement of the provider or staff.

Using professional judgment and common practice, providers and staff may allow a person to act on behalf of the patient to pick up prescriptions, samples, supplies, x-rays or other similar forms of protected health information. However, written patient authorization should be required before copies of medical records are released to an individual other than the patient, even if for the convenience of the patient.