

<p style="text-align: center;">The University of Texas SOUTHWESTERN MEDICAL CENTER At Dallas</p>	<p style="text-align: center;">Privacy Compliance Program Privacy Manual</p> <p style="text-align: center;">Section 7: Standard Protocols for Uses, Disclosures and Requests of PHI</p> <p>Policy No: 7.14 Last Revised: March 11, 2003 Effective Date: April 14, 2003</p>
<p>Victims of Abuse, Neglect or Domestic Violence</p>	

POLICY:

UT Southwestern may use and disclose PHI without prior written authorization for the purpose of reporting abuse, neglect or domestic violence as Required By Law in accordance with this standard protocol.

Note: Contact Legal Affairs for questions regarding if a disclosure is permitted or mandatory.

PROCEDURE:

1. Reporting Obligations Permitted Under State Law. UT Southwestern Workforce members are permitted to make certain reports of abuse, neglect or domestic violence. The procedures required depend upon the nature of the state law that is at issue. Reports of abuse, neglect and domestic violence pursuant to the following Texas state laws are specifically addressed in this Policy:
 - a. Child Abuse and Neglect [Chapter 261, Texas Health & Safety Code];
 - b. Elderly or Disabled Abuse, Neglect or Exploitation. [Chapter 48, Texas Human Resources Code]
 - c. Family Violence [Chapter 91, Texas Family Code]

2. Child Abuse and Neglect. [Chapter 261, Texas Health & Safety Code]
 - a. Authority. UT Southwestern Workforce are required by state law to make reports of child abuse and neglect as a public health activity pursuant to Chapter 261 of the Texas Health & Safety Code.
 - b. Minimum Necessary Rule. The minimum necessary rule does not apply to disclosures pursuant to Paragraph 2(a) of this Policy because they are Required By Law. Workforce will take precautions to ensure that the disclosure does not exceed the scope of the disclosure Required By Law.
 - c. No Notice to the Individual. The Workforce member making the report does not have an obligation to inform the Individual who is the subject of the report, or his or her authorized representative, of the report.

3. Elderly or Disabled Abuse, Neglect or Exploitation. [Chapter 48, Texas Human Resources Code]

- a. Authority. UT Southwestern Workforce are required by state law to make reports of abuse, neglect or exploitation of the elderly or disabled pursuant to Chapter 48, Texas Human Resources Code,
 - b. Minimum Necessary Rule. The minimum necessary rule does not apply to disclosures pursuant to Paragraph 3(a) of this Policy because they are Required By Law. Workforce will take precautions to ensure that the disclosure does not exceed the scope of the disclosure required by law.
 - c. Notice to the Individual. The Workforce member making the report has an obligation to inform the Individual who is the subject of the report, or his or her authorized representative, of the report, unless:
 - i. The Workforce member, in the exercise of professional judgment, believes informing the Individual would place the Individual at risk of serious physical or emotional harm; or
 - ii. The Workforce member would be informing an authorized representative of the Individual, and the Workforce member, in the exercise of professional judgment, reasonably believes the authorized representative is responsible for the abuse, neglect, or other injury, and that informing such person would not be in the best interests of the Individual.
4. Domestic, Family or Dating Violence [Chapter 91, Texas Family Code]. This state law authorizes, but does not require, UT Southwestern Workforce to make reports of family violence. Therefore, UT Southwestern Workforce are permitted under the Privacy Laws to make reports of family violence only if:
- a. The Workforce member seeks and obtains the agreement of the Individual who is the subject of the report; or
 - b. The Workforce member uses professional judgment to determine that the report is necessary to prevent serious and imminent harm to the Individual or other potential victims, so long as the report is made to a person or persons reasonably able to prevent or lessen the threat; or
 - c. The Workforce member determines the Individual is unable to agree due to incapacity and a member of the UT Southwestern University Police who is authorized to receive the report represents that the PHI is not intended to be used against the individual and that immediate enforcement activity that depends on the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure.
5. Other Laws. To the extent a Workforce member believes he or she may have a reporting obligation for abuse, neglect or domestic violence under another state or federal law not specifically mentioned in this Policy, the Workforce member will contact the Privacy Officer and the Office of Legal Affairs for review and counsel regarding his or her obligations under the Privacy Laws when making that report.
6. Other Health Care Facilities. To the extent that UT Southwestern Workforce members provide services in other health care facilities where they believe a reporting obligation has arisen for abuse, neglect or domestic violence, the policies and procedures of UT Southwestern would not apply to that disclosure and Workforce

members should seek guidance from the other health care facilities' policies and procedures regarding their obligations under the Privacy Laws when making the report.

LEGAL REFERENCES:

Texas Family Code, Chapters 91 and 261

Texas Human Resources Code, Chapter 48

45 C.F.R. §§ 164.502(g)(5), 164.512(c) (2001)

65 Fed. Reg. 82462, 82525, 82527-28, 82531, 82668, 82671, 82715 (Dec. 28, 2000); 67 Fed. Reg. 53182, 53213, 53246 (Aug. 14, 2002)