

<p align="center"><b>The University of Texas SOUTHWESTERN MEDICAL CENTER At Dallas</b></p>	<p align="center"><b>Privacy Compliance Program Privacy Manual</b> Section 7: Standard Protocols for Uses, Disclosures and Requests of PHI Policy No: 7.8 Last Revised: April 11, 2003 Effective Date: April 14, 2003</p>
<p align="center"><b>Organ, Eye and Tissue Transplant Organizations</b></p>	

**POLICY:**

UT Southwestern may, without prior written authorization, use and disclose PHI for purposes of facilitating or providing organ, eye or tissue donations and transplantation services from cadaveric donors. UT Southwestern will obtain written authorization prior to disclosing PHI for purposes of facilitating or providing organ, and tissue donation and transplantation services from living donors.

**PROCEDURE:**

1. Authority.
  - a. UT Southwestern may use and disclose PHI for purposes of providing cadaveric organ, eye or tissue transplant services without prior written authorization.
  - b. UT Southwestern may not disclose PHI to a transplant organization for purposes of facilitating organ, and tissue donation and transplantation services from a living donor without prior written authorization. For the purposes of this policy, a living donor excludes Individuals who have “brain death” as determined by clinical assessment of responses by a qualified physician.
  - c. UT Southwestern is not a business associate of an organ or tissue procurement organization when performing these functions and business associate agreements are not required for this activity.
  
2. Minimum Necessary Rule.
  - a. Uses and Disclosures without Authorization. When using or requesting PHI for organ, eye and tissue donation and transplantation activities, UT Southwestern Workforce shall use and disclose only the minimum PHI necessary to facilitate the donation or transplantation services. There may be situations where disclosure of the entire medical record shall be necessary for organ, eye and tissue donation and transplantation activities, but these disclosures must have a documented justification.
  - b. Uses and Disclosures with Authorization. The minimum necessary rule does not apply to uses and disclosures pursuant to an authorization. Workforce will take precautions to ensure that the use or disclosure does not exceed the scope of the disclosure permitted by the authorization.

3. Verification. UT Southwestern Workforce will obtain verification of the recipient of a disclosure for organ, eye or tissue donation or transplantation, in accordance with Section 6.5 of this Manual, which sets forth the policy and procedure for Verification For PHI Disclosures.

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**LEGAL REFERENCES:**

45 C.F.R. § 164.512(h) (2001)

65 Fed. Reg. 82462, 82477, 82524, 82534, 82571, 82572, 82598, 82668, 82688 (Dec. 28, 2000)

Texas Health & Safety Code § 241.153(5). 602.002 and 692.013(d)