

<b>The University of Texas SOUTHWESTERN MEDICAL CENTER At Dallas</b>	<b>Privacy Compliance Program Privacy Manual</b> Section 6: Uses, Disclosures and Requests of PHI Policy No: 6.5 Last Revised: March 20, 2003 Effective Date: April 14, 2003
<b>Verification</b>	

**POLICY:**

Prior to disclosing PHI, UT Southwestern will verify the identity of persons receiving the PHI by establishing and following reasonable procedures for verification, based on the guidelines in this Policy and the facts and circumstances surrounding the particular disclosure.

**PROCEDURE:**

1. UT Southwestern’s Verification Obligation
  - a. Prior to disclosing PHI as permitted or required by this Manual, UT Southwestern Workforce will follow reasonable measures to obtain verification of the identity of the person requesting PHI and the authority of any such person to have access to PHI must be verified. Verification of authorized legal representatives is also required.
  - b. This verification requirement applies to all disclosures of PHI permitted by the Privacy Standards, including disclosures for treatment, payment, or health care operations, except the verification requirement does not apply to:
    - i. Disclosures made to persons involved in the Individual’s care, in accordance with Section 3.3 of this Manual, which sets forth the policy and procedure on Persons Involved in the Individual’s Care.
2. Acceptable Methods of Verification
  - a. Person is Known to the Records Custodian. If the records custodian has knowledge of the identity of the person requesting the disclosure, this knowledge satisfies the verification requirement and no additional procedures are required. Examples satisfying the “knowledge” standard are: (i) routine communications between health care providers where existing relationships have been established; (ii) knowledge of the requestor’s place of business, address, phone or fax number; and (iii) knowledge of the specific person making the request.

- b. **Reliance on Documentation, Statements, or Representations.** If a disclosure is conditioned on the requesting party presenting certain documentation, statements or representations, UT Southwestern may reasonably rely on the written submission for verification, if the writings, on their face, meet the applicable requirements for the disclosure. For example, verification for a disclosure pursuant to an IRB waiver may be the same statement required to document the waiver (i.e. a statement identifying the IRB, the date of the approval, and the signature of the IRB chairperson).
- c. **Professional Judgment.** The verification requirements may be based on professional judgment in the following situations:
  - i. In emergency situations, if UT Southwestern exercises professional judgment in making a use or disclosure; and
  - ii. For disclosures to avert a serious threat to health or safety, if UT Southwestern acts on a good faith belief in making the disclosure.
- d. **Special Rules for Verification of Public Officials.**
  - i. *Verification of Identity.* UT Southwestern may rely on any of the following to verify identity when the disclosure of PHI is to a public official or a person acting on behalf of the public official:
    - 1. If the request is made in person, presentation of an agency identification badge, other official credentials, or other proof of government status;
    - 2. If the request is in writing, the request is on the appropriate government letterhead; or
    - 3. If the disclosure is to a person acting on behalf of a public official (e.g., a public health agency contracting with a nonprofit agency to collect and analyze data), a written statement on appropriate government letterhead that the person is acting under the government's authority or other evidence or documentation of agency, such as a contract for services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official.
  - ii. *Verification of Authority.* UT Southwestern may rely on any of the following to verify authority when the disclosure of PHI is to a public official or a person acting on behalf of the public official:
    - 1. A written statement of the legal authority under which the information is requested, or, if a written statement would be impracticable, an oral statement of the legal authority;

2. If a request is made pursuant to legal process, warrant, subpoena, order, or other legal process issued by a grand jury or a judicial or administrative tribunal, it is presumed to constitute legal authority.
  - e. Other Methods. UT Southwestern records custodian may use any other method of verification that, in the department's discretion, is reasonably calculated to verify the identity of the person making the request. Some acceptable means of verification include, but are not limited to: photo ID; a copy of a power of attorney; confirming personal information with the requestor such as date of birth, policy number or social security number; questioning a child's caretaker to establish the relationship with the child; and calling the requestor back through a main organization switchboard rather than a direct number.
3. Effect of Verification
    - a. Satisfaction of verification requirements does not mandate an otherwise unlawful or impermissible disclosure of PHI.
    - b. Satisfaction of verification requirements under this Policy does not eliminate the need to meet any more stringent state laws that establish additional verification requirements for a particular disclosure.
  4. Documentation. If documentation, statements or representations are required from the requestor as a condition of the disclosure, the records custodian making the disclosure will maintain the documentation, statements, or representations, whether oral or written, for no less than six (6) years from the date of the document, statement or representation.

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**LEGAL REFERENCES:**

45 C.F.R. § 164.514(h) (2001)

65 Fed. Reg. 82462, 82500, 82524, 82538, 82546-47, 82632, 82682, 82686, 82718-20 (Dec. 28, 2000)