

<p align="center">The University of Texas SOUTHWESTERN MEDICAL CENTER At Dallas</p>	<p align="center">Privacy Compliance Program Privacy Manual</p> <p>Section 3: Patient Permission Policy No: 3.3 Last Revised: March 3, 2003 Effective Date: April 14, 2003</p>
<p align="center">Disclosures to Persons Involved in the Individual's Care and Notification Purposes</p>	

POLICY:

UT Southwestern shall permit certain verbal disclosures of PHI to persons involved in an Individual's health care and for notification purposes without prior written authorization from the Individual if the Individual's oral agreement is obtained or implied from the circumstances, as described in this Policy. This policy does not apply to persons not identified by the individual such as the media or journalists.

PROCEDURE:

1. Disclosures Permitted Only When the Individual Is Present. When an Individual is present and has the capacity to make health care decisions, UT Southwestern may verbally disclose the Individual's PHI without the Individual's written authorization to persons who accompany the Individual at the time of his or her health care services. The following restrictions apply for these disclosures:
 - a. Any clinic personnel may make the decision to disclose PHI pursuant to this Paragraph 1.
 - b. The disclosure will be limited to the PHI directly relevant to the person's involvement in the Individual's care.
 - c. The disclosure will be limited to verbal communications.
 - d. The clinic personnel will either (i) obtain the Individual's verbal agreement to the disclosure, (ii) provide the Individual with the opportunity to object to the disclosure and, if the Individual does not object, make the disclosure; or (iii) reasonably infer from the circumstances, based on the exercise of professional judgment that the Individual does not object to the disclosure.
 - e. Clinic personnel are not required to make disclosures to persons who accompany the Individual at the time of their health care services.

2. Disclosures Only When the Individual is Not Present. In situations in which the Individual is not present, but still has the capacity to make health care decisions

and to communicate about his or her health care condition, UT Southwestern may verbally disclose PHI to persons involved in the Individual's care only with written authorization from the Individual. The "Authorization for Verbal Disclosures to Persons Designated by the Individual" form is available in the Forms Appendix on the UT Southwestern HIPAA website, and from the Privacy Officer or designee.

3. Disclosures When the Individual is Incapacitated, or in Emergent Situations. In situations in which the Individual is incapacitated due to a physical condition, emotional distress or an emergency, UT Southwestern may verbally disclose the Individual's PHI without authorization to persons involved in the Individual's care. The following restrictions apply for these disclosures:
 - a. The disclosure will be limited to the PHI directly relevant to the person's involvement in the Individual's care.
 - b. The disclosure will be limited to verbal communications.
 - c. A health care provider will determine, based on the exercise of professional judgment that the disclosure is in the best interests of the Individual.
5. Notification Purposes. UT Southwestern may use and disclose PHI without authorization to notify or assist in the notification of (including identifying or locating) a family member, 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. For example when UT Southwestern seeks to notify a patient's adult child that her father has suffered a stroke and to tell her that her father is in the intensive care unit, or to notify a family member that a patient has suffered an unexpected emergency in a clinic and has been transferred to the hospital.
6. Disclosures of Records. This Policy does not permit the disclosure of paper or electronic records containing PHI. Such disclosures will be made without written authorization only to Legal Representatives of the Individual, in accordance with Section 7.5 of this Manual, which sets forth the policy and procedure for Legal Representatives of the Individual.

LEGAL REFERENCES:

Texas Occupations Code § 159
45 C.F.R. § 164.510(b) (2001)
65 Fed. Reg. 82462, 82498, 82501, 82521-24, 82795 (Dec. 28, 2000); 67 Fed. Reg. 53182-273 (Aug. 14, 2002)