

<p style="text-align: center;"><b>The University of Texas SOUTHWESTERN MEDICAL CENTER At Dallas</b></p>	<p style="text-align: center;"><b>Privacy Compliance Program Privacy Manual</b> Section 3: Patient Permission Policy No: 3.1 Last Reviewed/Revised: February 1, 2008 Effective Date: April 14, 2003</p>
<p><b>Consent for Use and Disclosure of PHI</b></p>	

**POLICY**

UT Southwestern will obtain an Individual’s written consent to use and disclose the Individual’s PHI (“Consent”) for certain treatment, payment, and health care operations (“TPO”) activities. The Consent shall be written in plain language and made available in languages other than English in conformity with Title VI of the Civil Rights Act of 1964.

**PROCEDURE**

1. Form and Content of Consent

- a. The Privacy Officer will be responsible for maintaining and promptly revising the content of the Consent to insure it contains all elements required by the Privacy Laws. The Privacy Officer will promptly revise and distribute the Consent whenever there is a material change to its content. The current consent language required is attached to this Policy.
- b. The Consent may be combined in the same document with a consent for treatment (e.g. Ambulatory Services Patient Registration and Consent for Treatment form). The Consent may not be combined in the same document with an informed consent for treatment. The Privacy Officer will not have any responsibility regarding the content of the consent for treatment or informed consent documents.
- c. UT Southwestern personnel shall not change the content of the Consent without the prior approval of the Privacy Officer.

2. Obtaining Written Consent

- a. All UT Southwestern owned and operated clinical delivery sites that are Direct Treatment Providers will be responsible for obtaining the signed Consent from the Individual at the time of the Individual’s first physical encounter with UT Southwestern. After the Individual’s first physical encounter, the department will obtain a new signed Consent if the form of the Consent has materially changed since the date of the Individual’s previous Consent.

- b. All UT Southwestern owned and operated clinical delivery sites that are Indirect Treatment Providers will not be responsible for obtaining Consent from the Individual.
  - c. The Consent may be in paper or electronic form as long as the Consent is signed (in handwriting or by electronic signature) by the Individual or the Individual's authorized representative. State and other applicable law governs who can provide Consent and this determination will be made in accordance with Section 7.5 of this Manual, which sets forth the policy and procedure on Legal Representatives of an Individual.
3. Inmates. Consent is not required from an inmate receiving medical attention from a UT Southwestern health care provider.
4. Documentation Requirements
- a. The Privacy Officer will maintain copies of all versions of UT Southwestern's Consent for a period of six (6) years from the effective date of the version.
  - b. All UT Southwestern owned and operated clinical delivery sites will forward the signed Consents for each patient to the appropriate medical records personnel for inclusion in the Individual's medical record or electronically scan the Consent into the medical record. All medical records personnel responsible for maintaining patient medical records will retain copies of the signed Consents for each patient in accordance with UT Southwestern's medical record retention policies, but in no event less than six (6) years from the date of the Consent.

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**LEGAL REFERENCES:**

Texas Occupations Code § 159

45 C.F.R. §§ 164.506, 164.514(e) (2001)

65 Fed. Reg. 82462, 82509-13, 82648-51 (Dec. 28, 2000); 67 Fed. Reg. 53182, 53208-53219 (Aug. 14, 2002)

Civil Rights Act of 1964, 42 U.S.C. § 2000d *et. seq.*; 45 C.F.R. § 80.3(b)(2) (2001); 65 Fed. Reg. 52762 (Aug. 30, 2000) (Policy Guidance on the Prohibition Against National Origin Discrimination as it Affects Persons with Limited English Proficiency)