Origination:	*07/2018*
Effective:	*06/2020*
Last Approved:	*06/2020*
Last Revised:	*06/2020*
Next Review:	*06/2023*
Owner:	*David Behinfar: HCS Exec Dir Privacy*
Policy Area:	*HIPAA - Privacy*
Policy Tag Groups:	
Applicability:	UNCHCS - All except Pardee

Fax Transmission of PHI

APPLICABILITY:

This policy applies to the following entities (collectively referred to as **"UNC Health"** in this policy):

✓	UNC Health Care System / UNC Medical Center*	✓	Johnston Health
✓	UNC Physicians Network	✓	Lenoir Memorial Hospital
✓	UNC Physicians Network Group Practices / UNC Physicians Group Practices II		Margaret R. Pardee Memorial Hospital
✓	Rex Healthcare / Rex Hospital	✓	Nash Healthcare System/Nash Hospitals
✓	Chatham Hospital	✓	Wayne Memorial Hospital
✓	Caldwell Memorial Hospital		
✓	UNC Rockingham Health Care / UNC Rockingham Hospital		

*UNC Medical Center includes all UNC Hospitals' facilities and the clinical patient care programs of the School of Medicine of UNC-Chapel Hill (including UNC Faculty Physicians).

I. Description

UNC Health is committed to complying with HIPAA regulations and handling **Facsimile (fax) messages** with protected health information (PHI) in a confidential and secure fashion. Faxes containing (PHI) or other restricted data may be sent to locations where the physical security and monitoring practices of the receiving fax machine are known or can reasonably be verified.

This policy applies to all fax machines used at UNC Health Member Facilities where documents containing PHI or other restricted data either originate from, or are received by UNC Health Member Facilities. This policy shall apply to all members of the workforce using faxes.

Included within the scope of this policy are the patient care programs of the UNC School of Medicine (UNC SOM). As a result, this policy shall apply to all UNC SOM personnel, including but not limited to faculty, staff, students, trainees, interns and volunteers who may be full-time, part-time, paid or unpaid who create, store, transmit, access or use any patient information in support of clinical purposes for UNC Health or any other healthcare entity.

II. Policy

A. **Pre-program fax numbers whenever possible.** All areas that send faxes containing PHI using pre-programed numbers shall test the programmed numbers periodically (at least annually) for accuracy, i.e., send a cover sheet and verify by phone, e-mail, return fax, or in person that it was received.

B. **Use Cover Sheets.** All members of the workforce across UNC Health who send faxes containing PHI should always use an approved UNC Health cover sheet that includes the following information at a minimum:

   a. Sender's Name

   b. Sender's Department

   c. Sender's Contact Information (Phone, etc.)

   d. Intended recipient's name

   e. Intended recipient's phone number

   f. Number of pages in fax transmission

The Cover Sheet should also include an appropriate confidentiality disclaimer for facsimile messages that contain PHI or confidential data. The following confidentiality notices are recommended for use:

CONFIDENTIALITY NOTICE: This e-mail, including any attachments, may contain confidential, privileged and/or proprietary information which is solely for the use of the intended recipient(s). Any review, use disclosure or retention by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete this email and any attachments, and all copies.

CONFIDENTIALITY NOTICE: This facsimile transmission contains information that is confidential and/or protected by law. This information is intended for use only by the addressee indicated above. If you are not the intended recipient, please be advised that any disclosure, copying, distribution, or use of the contents of this information is strictly prohibited. Please call us at the number above to notify us of a fax received in error. Your cooperation is appreciated.

C. **Safeguarding PHI When Faxing**:

   a. Fax machines should be located in non-public areas where access by unauthorized persons is limited.

   b. Specific staff members should be designated to receive incoming confidential documents, to remove these documents promptly, to examine them to assure receipt of all pages in a legible format, and to direct them to the appropriate individual/area.

   c. Destination numbers should be pre-programmed into fax machines and labeled, if possible, to eliminate errors in transmission from misdialing.

D. **Use Verification Procedures.** Faxes sent to unknown or unfamiliar locations containing sensitive PHI (such as SS#s, sensitive treatment or diagnosis information, or other sensitive financial information) should be phone-verified before any PHI is transmitted. To do this, send the cover sheet alone and then call or otherwise communicate to verify that the intended and authorized person received it and is standing by to receive the PHI documents that will follow, then fax the rest of the materials.

E. **Restrictions on Faxing Sensitive PHI**. Due to the potential for errors, sensitive PHI for which the law

requires specific confidential protection (such as mental health, drugs & alcohol, HIV/AIDS, or other infectious diseases, including, per UNC Health policies, genetic testing) should not be transmitted via fax. Exceptions: (a) where the information is transmitted via auto-fax; (b) where PHI is needed urgently to treat a patient; or (c) when PHI is required by a third-party payer for ongoing certification of payment for a hospitalized patient. When faxing sensitive information manually as described in (b) and (c), the sender must call to verify the fax number prior to faxing the information and after faxing to ensure that the fax was received

F. **Misdirected Faxes – Received Within UNC Health**. In general, misdirected faxes that arrive in a UNC Health facility, whether the fax originated inside or outside of UNC Health, should simply be securely destroyed and the sender notified. However, the following should be reported to the Privacy Office for follow-up:

1. Multiple misdirected faxes continue to arrive from the same sender, even after being notified of their error.

2. The contents of the faxes include sensitive patient information (such as SS#s, sensitive treatment or diagnosis information, or other sensitive financial information).

G. **Misdirected Faxes – Sent Outside of UNC Health**. If a fax containing PHI is sent by a member of the UNC Health workforce and is sent to an unintended recipient outside of UNC Health, then these incidents should be immediately reported to the UNC Health Privacy Office or the privacy officer at your facility. You can also report misdirected faxes to the UNC Health Privacy Office via the Hotline 1-800-362-2921 or through the secure web portal: http://hotline.unchealthcare.org

III. Definitions

Workforce – means employees, including temporary agency or contract employees, health care professionals, including faculty, medical students and interns, volunteers, trainees, and other persons whose conduct, in the performance of work for UNC Health is under the direct control of UNC Health, whether or not they are paid by UNC Health.

IV. References

None

V. Related Policies/Forms

UNC Health Duty to Report Suspected Incidents, Duty to Cooperate with Investigation and Duty to Mitigate Harm Policy

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
	Jerylyn Williams: Chief Audit & Compliance Ofcr	06/2020
SYSTEM Site Administrator	Emilie Hendee: HCS Attorney Sr	06/2020
	David Behinfar: HCS Exec Dir Privacy	06/2020

Applicability

Caldwell Memorial Hospital, Chatham Hospital, Johnston Health, Nash UNC Health Care, UNC Health Care System, UNC Lenoir Health Care, UNC Medical Center, UNC Physicians Network, UNC Rex Healthcare, UNC Rockingham Health Care, Wayne Memorial Hospital

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