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**Owner:** *David Behinfar: HCS Exec Dir Privacy*  
**Policy Area:** *HIPAA - Privacy*  
**Policy Tag Groups:**  
**Applicability:** *UNCHCS - All except Pardee*

## Uses and Disclosures of PHI Not Requiring Authorization

### 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	Margaret R. Pardee Memorial Hospital
✓ Rex Healthcare / Rex Hospital	✓ Nash Healthcare System / Nash Hospitals
✓ Chatham Hospital	✓ Wayne UNC Health Care
✓ 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 UNC-Chapel Hill (including UNC faculty physicians).**

### I. Description

UNC Health shall use and disclose protected health information (PHI) without a patient authorization, only as permitted by state and federal laws. The HIPAA Privacy Rule permits the use and disclosure of PHI without patient written or verbal authorization in certain circumstances. UNC Health permits the use and disclosure of PHI in the circumstances listed in this policy without requiring patient written or verbal authorization.

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. **Routine Purposes:** PHI may be used and disclosed without a patient signed HIPAA authorization for the following routine purposes:

1. Uses for direct treatment, payment, or health care operations of UNC Health and/or one or more UNC Health Facilities;
2. Disclosures to another provider for treatment, payment or the other provider's health care operations;
3. Disclosures to the patient who is the subject of the PHI; and
4. If a UNC Health Facility is participating in an organized health care arrangement, disclosures of PHI to other participants in the organized health care arrangement is permissible for any health care operation activities of the organized health care arrangement (such as facility and the medical staff sharing information for credentialing, quality assurance and other peer review activities).

B. **Other Uses or Disclosures Not Requiring Patient Authorization or a Patient's Opportunity to Agree or Object:**

1. Uses and disclosures of PHI required by law;
2. Uses and disclosures to a public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions; or, at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority;
3. Reporting to the appropriate authority where the patient is a victim of abuse, neglect or domestic violence;
4. For judicial or other administrative proceedings;
5. For public health activities;
6. For law enforcement purposes such as civil or criminal investigations, licensure or disciplinary actions, or in response to a court order, administrative tribunal, or grand jury subpoena;
7. To disclose information in response to a court order or other lawful process;
8. To notify an employer of medical information related to an employee if a UNC Health Facility is providing services at the request of an employer for medical surveillance or to evaluate whether an employee has a work-related injury or illness, the use or disclosure is related to this purpose, and the patient/employee is given notice that the information will be disclosed; or
9. To avert a serious threat to health or safety.

C. **Uses and Disclosures of PHI that Require the Patient to have the Opportunity to Agree or Object.**

PHI may be used or disclosed without a patient authorization to a family member, other relative, personal representative, or close personal friend of the patient, if such person is involved with the patient's care or payment of health care in the following circumstances:

1. If the patient is present for the disclosure and has the capacity to make health care decisions, and the patient:
  - a. agrees to the disclosure of PHI;
  - b. has the opportunity to object to the disclosure but does not express objection; or

- c. where it can be reasonably inferred from the circumstances, based on professional judgment, that the patient does not object.
  - 2. If the patient is not present, is incapable of agreeing to a disclosure of PHI, or there is an emergency situation, PHI may be disclosed if a determination is made in the exercise of professional judgment by a treating provider of the patient that the intended disclosure of the patient's PHI is in the patient's best interest. Only the PHI that is directly relevant to the third party's involvement in the patient's care may be disclosed.
- D. **Other Uses and Disclosures. PHI may be used and disclosed without a patient** authorization as is otherwise legally permissible and in accordance with these UNC Health HIPAA Privacy Policies.

### III. Definitions

**Treatment** – means providing, coordinating or managing a patient's care, including consultation between providers and referrals.

**Payment** – applies to a broad range of activities including obtaining premiums, reimbursement, eligibility and coverage determination, risk adjustment, billing and claims management coverage and utilization review activities as well as disclosure to consumer reporting agencies of certain information.

**Health Care Operations** – covers a broad range of activities such as quality assessment, patient education and training, contracting for health care services, medical review, legal services, auditing function, business planning and development, business management and general administrative activities. **Health Care Operations does not include marketing to patients or fundraising activities.**

### IV. References

45 C.F.R. §§ 164.502(a), 506, 512

### V. Related Policies/Forms

[Uses and Disclosures of PHI Requiring Authorization](#)

#### 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

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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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