

MHC Policies & Procedures, Proprietary and Confidential			
Reviewed: RR	Uses and Disclosures of PHI	Date: 10/01/13	Rev: 0
Approved: LT		Dept: Quality	
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AUTHORITY: Compliance Officer

RESPONSIBILITY: MHC Staff, Delegate

LAST REVIEW DATE: 08/09/2018; Review Frequency 1 Year

PURPOSE OF PROCEDURE: To ensure that disclosure of Protected Health Information (PHI) is made consistent with applicable laws, regulations and health information standards, and to ensure that any disclosures of a Member's PHI to family, other relatives, close friends or other persons designated by the member are appropriate

In the event of conflict of direction(s) regarding PHI disclosure, MHC refers to, applies and complies with applicable law

POLICY STATEMENT: Disclosure of PHI is allowed with a properly completed and signed authorization except when required or allowed by law as defined in the Notice of Privacy Practices for treatment, payment or other health care operations

1. Disclosure of PHI is centralized through MHC's Compliance Officer
 - 1.1. In some instances, MHC Compliance Officer needs to track information that is disclosed
 - 1.2. Such disclosures must be approved by the Compliance Officer to enable MHC to provide an accounting of disclosures when requested
2. Disclosure of PHI is carried out in accordance with all applicable legal requirements and in accordance with MHC policy using the form, Authorization for Release of PHI, Form CO010
 - 2.1. Each MHC employee is responsible for abiding by applicable state laws and regulations as set forth in employee training
3. Receiving a Request for PHI
 - 3.1. Requests for records shall be managed by MHC Compliance Officer

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3.2. Other staff do not release PHI without approval of MHC Compliance Officer

4. Responding to Specific Types of Disclosures

4.1. No PHI shall be released to the news media or commercial organizations without the authorization of the Member or his personal representative

4.2. Staff receiving requests for PHI via the telephone make reasonable efforts to identify and verify that the requesting party is entitled to receive such information

5. Disclosures to Persons Involved with a Member's Care

5.1. MHC may disclose to a family member, other relative, close friend, or any other person identified by the Member, PHI that is directly relevant to that person's involvement with the Member's care or payment for care

5.2. *Conditions if the Member is Present:* If the Member is present for, or otherwise available, prior to a permitted disclosure, then MHC may use or disclose the PHI only if MHC:

- Obtains the Member's agreement
- Provides the Member with an opportunity to object to the disclosure, and the Member does not express an objection (this opportunity to object and the Member's response may be done orally), or
- May reasonably infer from the circumstances, based on the exercise of professional judgment, that the Member does not object to the disclosure

5.3. *Conditions if the Member is Not Present or is Incapacitated:* MHC may, in the exercise of professional judgment, determine whether the disclosure is in the best interest of the Member, and, if so, disclose only that PHI which is directly relevant to the person's involvement with the Member's care if:

- The Member is not present,
- The opportunity to agree/object to the use or disclosure cannot practicably be provided because of the Member's incapacity, or
- In an emergency

5.4. *Confirming Identity:* MHC shall take reasonable steps to confirm the identity of a Member's family member or friend

5.4.1. MHC is permitted to rely on the circumstances as confirmation of involvement in care