



Uses and Disclosures of Protected Health Information (PHI)

Policy # 2.2

Disclosure to Persons Involved in Individual's Care

Original Effective Date: 6/21/2016

Revised Date:

Purpose: Provide a policy for circumstances under which a disclosure may be made to a person involved in an individual's care.

Policy: Travis County Covered Components disclose PHI to an Individual's family member or a person involved in the Individual's care or payment related to the Individual's care when:

- the Individual has an opportunity to agree or object to the disclosure of such information; or
- the Individual is incapacitated or is otherwise unable to agree or object and the Covered Component believes that disclosure is in the best interest of the Individual.

Covered Components follow all applicable laws, regulations, and these Policies in making such disclosures.

Procedures:

1. Before disclosing PHI, workforce members will comply with the policy entitled [Minimum Necessary Standard](#). Any disclosure will be **limited** to that information which is directly relevant to the recipient's involvement with the Individual's health care or payment related to the Individual's health care.

2. Requesting Authorizations

Covered Components may seek an Individual's Authorization to disclose his or her PHI to his or her identified family members, friends, or any other person specified by the Individual upon enrollment in a County program. Covered Components may not require this Authorization for enrollment in the program unless specifically allowed by law (see the policy entitled [Authorization for Release of PHI](#)).

- A family member includes a dependent and any other person who is at least a fourth degree relative of the Individual.

3. Disclosures when no Authorization is provided

- If the Individual is **present and capacitated** at the time of the proposed disclosure to the Individual's family member(s) or others involved in the Individual's care or payment for care, workforce members either:

- obtain the Individual’s oral or written agreement to the disclosure; or
- provide the Individual with the opportunity to object to the disclosure. Workforce members may use professional judgement to make a reasonable inference, from the circumstances, that the Individual does not object to the disclosure.
- If the Individual is **incapacitated or otherwise unable to agree or object** to the proposed disclosure, workforce members exercise their professional judgment in deciding whether to disclose the Individual’s PHI. The PHI disclosed is limited to the person’s involvement in the Individual’s care. In making this decision, workforce members consider:
 - whether disclosure would be in the best interests of the Individual, and
 - whether the Individual has previously expressed a preference on the subject.

4. Disclosures to Personal Representatives

Questions about disclosures to persons involved in an individual’s care are directed to the Privacy Officer. Workforce members may also disclose PHI to a **personal representative** given the following:

- the workforce member obtains documentation that designates the person as a personal representative and,
- PHI is disclosed only to the extent allowed in the document designating the person as a personal representative of the Individual and,
- the disclosure is **limited** to information directly relevant to the health care provided to the Individual by the person to whom PHI is disclosed, or payment for health care for the Individual by the person to whom PHI is disclosed, or the information necessary to achieve the allowable purpose.

Note: A workforce member may **decline** to disclose PHI to a personal representative if:

- the workforce member believes that the Individual has been or may be subject to domestic violence, abuse, or neglect by such person; or treating such person as the personal representative could endanger the individual; and
- the workforce member, in the exercise of his or her professional judgment, decides that it is not in the best interest of the Individual to treat the person as the Individual’s personal representative.

5. Deceased Individuals

- Workforce members may disclose PHI related to deceased Individuals to family members and others who were involved in the care or payment for care of the Individual prior to death, unless it is inconsistent with any prior expressed preference of the Individual that is known to the Covered Component.

- Workforce members disclose PHI to a personal representative when the workforce member obtains documentation that shows the person has been designated as the Individual's personal representative. Workforce members may decline to disclose PHI to a personal representative for the reasons listed in 3 above.

6. Disaster Relief Purposes

- Workforce members disclose PHI to a public or private entity, authorized by law or by its charter to assist in disaster relief efforts, for the purpose of assisting in the notification of an Individual's family member, personal representative, or person responsible for the Individual's care of the Individual's location, general condition, or death.