

**UNIVERSITY OF KANSAS  
WATKINS HEALTH SERVICES  
ADMINISTRATION**

NUMBER: <b>AD- 310</b>	ISSUE DATE: <b>3/2003</b>
TITLE: <b>Required and Permitted Use &amp; Disclosure of PHI Without Consent/Authorization</b>	REVISED: <b>7/27/2016</b>
TITLE OF OWNER: <b>Director</b>	APPROVED: <b>Director</b>

**PURPOSE:** To allow permitted or required use or disclosure of PHI by Watkins Health Services (WHS) without written consent, authorization, or an opportunity for the patient to agree or object to the use/disclosure.

**POLICY:**

WHS may use or disclose PHI to designated agencies, authorities, or organizations as required or allowed by law. Following are examples of permitted use or disclosure.

1. To **Health Oversight Authorities** authorized by law included but not limited to agencies of the U.S. Government or State of Kansas. Examples of oversight activities might include audits, inspections, licensure or determining compliance with program standards.
2. WHS may disclose PHI to **Public Health Authorities** who are authorized to receive reports for the purpose of preventing or controlling disease, injury or disability.
3. **Abuse, Neglect or Domestic Violence.** WHS may disclose PHI to report known or suspected abuse or neglect, if the report is made to a public health authority or other appropriate government authority that is authorized by law to receive such reports. All Kansas state laws that apply to the reporting of abuse and neglect should be followed. WHS will inform the patient that such a report has been or will be made unless the victim is a child, the WHS Workforce member believes that informing the patient would place the patient at risk of serious harm, or the WHS Workforce member would be informing a Personal Representative believed to be responsible, and informing such person would not be in the best interest of the patient.
4. **Judicial and Administrative Proceedings.** Requests for PHI in response to an order of a court or administrative tribunal, or in response to a subpoena, discovery request, or other legal process, should be referred to the University General Counsel's Office for assistance.
5. **Threat to Health and Safety.** WHS may Use or Disclose PHI if it is believed that the Use or Disclosure is necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public and the Disclosure is made to a person who can reasonably prevent or lessen the threat, including the target of the threat. The University General Counsel's Office is to be consulted for assistance.

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6. **Disclosures for Law Enforcement Purposes.** WHS may disclose PHI to comply with laws that require the reporting of certain types of wounds or other injuries. In addition, WHS may Disclose PHI to address emergency situations or threats to health and safety as outlined in #5 above. In other contexts, requests for PHI by law enforcement authorities should be referred to the University General Counsel's Office for assistance. If WHS is the first point of contact with an investigative agent who is delivering a subpoena, search warrant or other court order, the Staff member should ask the agent for permission to contact a supervisor and University General Counsel should be contacted immediately for assistance. If the agent refuses to wait before executing the instructions detailed in a search warrant or court order, University General Counsel should be contacted as soon as possible.
7. WHS may disclose PHI to comply with laws relating to **Workers' Compensation** or other similar programs.

Release of information to a patient without written authorization must be documented in the record by either a chart note, phone message, or nursing note. The following information is typically shared with patients at their request at **Point of Service**:

- Information relative to current encounter
- Records for referral
- Immunization/medication (current and history)
- Copy of invoice

Patients should also be instructed on how to obtain their information from within the patient portal.

**REFERENCES:**

**This document is on file with the KU Policy Library.**