

**UNIVERSITY OF KANSAS
WATKINS HEALTH SERVICES
ADMINISTRATION**

NUMBER: AD-318	ISSUE DATE: 02/2003
TITLE: Use & Disclosure of PHI Requiring Opportunity for Patient to Agree or Object	REVISED: 7/27/2016
TITLE OF OWNER: Director	APPROVED: Director

PURPOSE:

To provide an opportunity for the patient to agree or object to an intended Use / Disclosure.

POLICY:

In the following circumstances Watkins Health Services (WHS) may disclose PHI about a patient without written consent or authorization if the patient is informed in advance of the use/disclosure and offered the opportunity to agree or object to such use/disclosure.

1. **To individuals involved in patient's care.**
 - a. **When the patient is present** and that person is involved in patient's care or payment for care: i.e., family member, close personal friend or others identified by patient.
 - b. **When the patient is not present** or is not able to agree or object, due to incapacity or emergency.
 - Based on physician's professional judgment that disclosure is in the patient's best interest.
 - PHI disclosed is limited to minimum necessary relevant to individual's involvement with patient's care.
2. WHS may disclose PHI to **Federal, state, or local government agencies engaged in disaster relief activities**, as well as to private disaster relief or disaster assistance organizations (such as the Red Cross) authorized by law or by charter to assist in disaster relief efforts. However, except in emergency situations, disclosures to disaster relief agencies cannot be made without informing the Patient and providing an opportunity to agree or object.
3. **Victims of a Crime.** WHS may disclose PHI about a Patient who is suspected to be a victim of a crime, **in response to a law enforcement request**, if the Patient agrees to the disclosure. The Patient's agreement should be noted in the Patient's record. If WHS is unable to obtain the Patient's agreement, WHS should not release such information without first consulting the University General Counsel's Office for assistance. Exception: The Disclosure is necessary to respond to an emergency situation or to prevent or lessen a serious and imminent threat to health and safety of a person of the public.

REFERENCES:

This document is on file with the KU Policy Library.