

Original Draft Date: January 13, 2003  
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**SUBJECT:** Uses and Disclosures of Protected Health Information to Persons Involved in the Patient's Care and for Notification Purposes

**HIPAA CITES:** 45 CFR § 164.510(b)

**DEPARTMENT:** All Departments of Kewaunee County

**POLICY NUMBER:** 104

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**I. POLICY:**

Kewaunee County may disclose certain portions of a patient's Protected Health Information to persons involved in the patient's care, and/or use or disclose the patient's Protected Health information in order to notify (or assist in notifying) such persons of the patient's location, general condition or death. Prior to using or disclosing such Protected Health Information, except in limited circumstances described in Section II.D below, Kewaunee County must provide the patient an opportunity to object or agree to the use or disclosure.

**II. PROCEDURES:**

- A. General Rule. Absent an objection by the patient (and without having to obtain the patient's Authorization), Kewaunee County staff may use or disclose the patient's Protected Health Information to notify (or assist in the notification of) the patient's family member (or Personal Representative or other person responsible for the patient's care) of the patient's location, general condition or death. In connection with this purpose, Kewaunee County may disclose the patient's Protected Health Information to public or private entities authorized by law or its charter to assist in disaster relief efforts in order to coordinate the notification efforts described in this Section.
- B. Disclosure Permitted Where Patient Agrees to Disclosure. Where a patient is present for, or otherwise available prior to a disclosure made pursuant to Section II.A above, and is capable of agreeing to the disclosure, Kewaunee County staff may disclose only the patient's Protected Health Information only when the patient agrees to the disclosure.

- C. Disclosure Permitted When Patient Is Unable To Agree But Disclosure is in Patient's Best Interest. Where a patient is not available or cannot agree or object to a use or disclosure to be made pursuant to Section II.A above because of incapacity or emergency, staff may disclose only Protected Health Information relevant to the patient's current condition, when the staff determined, in the exercise of professional judgment, disclosure is necessary in order to facilitate immediate treatment or to interpret the health care practitioner's instructions to a person who is assisting the patient.
- D. Verification of Identity. The patient's actions involving a person in his or her care serves to verify that person's identity for purposes of this policy. Kewaunee County is not required to verify formally the identity of the family members or other individuals involved in the patient's care under the procedures delineated in Policy # 107.
- E. Documentation To the extent practicable, staff should document in the patient's medical record all disclosures made pursuant to this policy, including the staff member's compliance with the required elements of Sections II.B or II.C.
- F. Accounting. Disclosures made by Kewaunee County in accordance with this policy are not required to be part of an accounting under Policy # 114.
- G. Questions About Interpretation. If any member of Kewaunee County staff is concerned about the immediate interpretation of this policy, that staff member is directed to not release information upon an inquiry from a patient's family or friends, and to refer the issue to the appropriate Privacy Officer of Kewaunee County for resolution.