

Original Draft Date: January 13, 2003
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SUBJECT: Incidental Uses and Disclosures of Protected Health Information

HIPAA CITES: 45 CFR §§ 164.502(a)(1)(iii), 164.530(c)(2)(ii)

DEPARTMENT: All Departments of Kewaunee County

POLICY NUMBER: 105

I. POLICY:

Kewaunee County reasonably safeguards Protected Health Information in order to limit incidental uses or disclosures of Protected Health Information. An incidental use or disclosure is a secondary use or disclosure that cannot reasonably be prevented, is limited in nature, and occurs as a by-product of an otherwise permitted use or disclosure. Examples of an incidental use or disclosure include: (a) utilizing patient sign-in sheets or calling out a patient's name in a waiting room, as long as the information disclosed is appropriately limited; or (b) discussing laboratory results with a patient in a joint treatment room.

It is Kewaunee County's policy for each member of its workforce to use due care in limiting inadvertent disclosures as much as is reasonably practicable and to use caution and common sense when handling Protected Health Information.

II. PROCEDURES:

A. General Rule. Kewaunee County may use or disclose Protected Health Information which is the result of, or incidental to, an otherwise permissible use or disclosure under Kewaunee County's policies because:

1. Kewaunee County has implemented reasonable administrative, technical and physical safeguards to limit incidental uses and disclosures; and
2. Kewaunee County has complied with the minimum necessary requirements set forth in Policy # 109.

B. Accounting. Incidental uses and disclosures made by Kewaunee County in accordance with this policy are not required to be part of an accounting under Policy # 114.