

**HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES**

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|----------------------|--|-----------------|--|
| Chapter 11           | Patient Privacy Policies                               | Effective:      | April 2003   |
| Section 11.1         | Uses and Disclosures of Protected Health Information   | Revised:        | February 2006  |
| <b>Policy 11.1.8</b> | <b>Fax Transmittal of Protected Health Information</b> | Responsibility: | Assistant Vice President for Regulatory Affairs & Compliance |

## **FAX TRANSMITTAL OF PROTECTED HEALTH INFORMATION**

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### **Policy**

It is the policy of the Health Science Center to secure confidentiality of the facsimile (fax) transmission of protected health information. This policy defines the minimum guidelines and procedures that individuals must follow when transmitting patient information via facsimile.

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### **Definitions**

**MEDICAL RECORD CUSTODIAN:** The person(s) who is/are responsible for the maintenance, retention, access, and disclosure of protected health information.

**PROTECTED HEALTH INFORMATION:** Individually identifiable health information transmitted or maintained in any form or medium, including oral, written, and electronic. Individually identifiable health information relates to an individual's health status or condition, furnishing health services to an individual or paying or administering health care benefits to an individual. Information is considered protected health information where there is a reasonable basis to believe the information can be used to identify an individual.

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### **Procedures**

All personnel must follow Health Science Center policies addressing the use and disclosure of protected health information in [Section 11.2](#) of the *Handbook of Operating Procedures* (HOP) and strictly observe the following standards relating to facsimile communications of patient health records.

1. Protected health information will be sent by facsimile only when the original record or mail-delivered copies will not meet the needs for treatment, payment, and health care operations. For example, personnel may transmit protected health information by facsimile when required by a health care provider, or required by a third-party payer for ongoing certification of payment for a patient.
2. The following types of health information are additionally protected by federal and/or state statute, and extra caution and approvals must be obtained when faxing:

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- a. Psychiatric/Psychological records (records of treatment by a psychiatrist, licensed psychologist or psychiatric clinical nurse specialist) or other professional services of a licensed psychologist.
  - b. Social work counseling/therapy.
  - c. Domestic violence counseling for victims.
  - d. Sexual assault counseling.
  - e. HIV test results (patient authorization required for EACH release request).
  - f. Records pertaining to sexually-transmitted diseases.
  - g. Alcohol and drug abuse records protected by federal confidentiality rules (42 CFR part 2).
3. A [Facsimile Cover Sheet](#) must be used to send faxes containing protected health information. The cover letter must contain the following confidentiality notice:

“The information in this fax is confidential and may contain information protected by law. This fax is intended to be reviewed only by the individual or organization named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, or copying of this fax and its attachments is prohibited. If you have received this fax in error, please immediately notify the sender at the number listed above and arrange for the return or destruction of these documents.

Important Warning: This message is intended for the use of the person or entity to which it is addressed and may contain information that is privileged and confidential, the disclosure of which is governed by applicable law.”

4. Personnel must make reasonable efforts to ensure that they send the facsimile transmission to the correct destination by taking the following precautions:

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- a. Pre-program frequently used numbers into the machine to prevent misdialing errors.
  - b. Periodically check all speed-dial numbers to ensure that they are current, valid, accurate, and authorized to receive confidential information.
  - c. If automated or “paperless” faxing is used, periodically ensure that fax numbers and destinations are accurate and up to date.
  - d. For a new recipient, the sender must verify the fax number with the recipient, and verify the identity of the person and/or organization that will be receiving the information. When patient authorization is required, the patient will be asked specifically to authorize the Health Science Center to fax health information.
  - e. Periodically remind those who are frequent recipients of protected health information to notify the Health Science Center if their fax number changes.
5. Fax machines used for patient care or patient related services should be located in secure areas not accessible to the general public or unauthorized staff. The supervisor or designee is responsible for limiting access to them.
  6. Each department/clinic is responsible for ensuring that incoming faxes are properly handled.

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**Receiving/  
Sending Faxes  
Containing  
Protected Health  
Information**

When receiving faxes:

1. Assigned staff should immediately remove the fax transmission from the fax machine and deliver it to the recipient, or secure it from unauthorized viewing.
2. Protected health information received via fax should be managed confidentially in accordance with policy.

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3. Information received in error should be destroyed or handled according to the sender's instructions.

When sending faxes:

1. Medical record custodians must maintain the [Facsimile Cover Sheet](#) and the fax confirmation sheet or activity report if the protected health information is sent.
2. The department sending the fax must account for the disclosure in accordance with [Section 11.3.1](#) of the HOP, "Accounting of Disclosures of Protected Health Information".

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### **Misdirected Faxes**

- If a fax transmission containing protected health information is not received by the intended recipient because of a misdial, staff should check the internal logging system of the fax machine to obtain the misdialed number.
  - If possible, a phone call should be made to the recipient of the misdirected fax requesting that the entire content of the misdirected fax be destroyed. If the recipient cannot be reached by phone, a fax using the [Letter for Misdirected Fax](#) should be sent to the recipient requesting that the entire contents of the misdirected fax be destroyed.
  - The fax confirmation sheet or activity report should be sent along with the [Letter for Misdirected Fax](#) to the medical record custodian. It is the responsibility of the department/clinic sending the misdirected fax to forward this information to the Privacy Officer in the Office of Regulatory Affairs & Compliance.
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