



POLICY TITLE: 307.00 Responding to Requests for Patient Information from Providers, Health Plans, or Third Parties

Responsible Department: Corporate Privacy Office

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SUMMARY & PURPOSE:

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule provides Federal privacy protections for individually identifiable health information, called protected health information or PHI, held by most health care providers and health plans and their business associates. The HIPAA Privacy Rule protects all "*individually identifiable health information*" held or transmitted by a Baptist Health or its business associate, in any form or media, whether electronic, paper, or oral. The Privacy Rule sets out how and with whom PHI may be shared.

POLICY:

It is the policy of Baptist Health South Florida, Inc. ("BHSF" or "Baptist Health") to comply with applicable state and federal laws, including those protecting the confidentiality of patient health information and establishing certain individual privacy rights. It is our policy to implement these laws in a way that supports our primary mission to the community regarding the delivery of quality health care in an efficient manner. This policy governs the use and disclosure of patient information to health care providers, Health Plans, and Third Parties.

SCOPE/APPLICABILITY:

This policy applies to Baptist Health, its affiliates, all workforce members, and others as described below, who may receive and respond to written or verbal requests from providers, health plans, or other third parties for patient information.

- **Workforce members.** Workforce members means employees, volunteers, trainees, temporary staff, and contractors/consultants who are not independent contractors under *Human Resources Policy 1150 - Independent Contractors*.
- **Medical staff members.** Medical staff members are treated as members of an organized health care arrangement with Baptist Health South Florida and must comply with this policy as if they are workforce members pursuant to their applicable medical staff bylaws.

- **Students.** Employed students are treated as workforce members. Non-employed students (fellows, residents, students) must comply with this policy as if they are workforce members pursuant to the terms of their applicable academic agreements.
- **Independent Contractors and Others.** Independent Contractors and others who have agreed to comply with Baptist Health's policies and procedures as a condition of receiving access to Protected Health Information (PHI) must comply with this policy as if they are workforce members.

PROCEDURES TO ENSURE COMPLIANCE:

Baptist Health may use and disclose health information for treatment, payment, and health care operations purposes. These uses and disclosures are necessary to make sure that all of our patients receive quality care, while ensuring that all operational and management needs are efficiently handled. For example, we may use health information to review the treatment and services we provide to ensure that the care our patients receive is of the highest quality, or we may thank-you notes or pictures that patients send us in employee areas.

1. Privacy and confidentiality at Baptist Health is one of our service excellence standards. As individuals involved in the delivery of health care, anyone covered by this policy must:
 - a. Safeguard protected health information as part of their job at Baptist Health.
 - b. Be responsible for maintaining PHI confidential, and only using it for treatment, payment and health care operations as set forth in the Privacy Rule.
2. Provider Requests - Responding to Written or Verbal Provider Requests for Patient Information
 - a. Anyone covered by this policy that receives a written or verbal request for patient information shall:
 - i. Obtain requestor identity. Ask whether the requester is a provider or employee of a provider, health plan or other third party. If the requestor is not a provider or employee of a provider, the request shall be forwarded to the medical records custodian, telecommunications, public relations, or billing departments as appropriate for the request.
 - ii. Determine the purpose of the request. Ask why the information is being requested (possible answers include: for treatment of the patient; to check on status of relative; to verify insurance coverage; etc.).
 - 1) **Verify patient status.** Determine whether the information being requested is regarding a patient that is currently present at a Baptist Health facility. Patients Present in a Baptist Health Facility. Licensed health care professionals or medical staff members may disclose information about a patient present in a Baptist Health facility to another health care provider for the provider's treatment or payment activities. The identity of the provider or their medical staff making the request must be known or verified prior to disclosure, as discussed below in item.
 - 2) **Patients Not Present in a Baptist Health Facility.** Anyone covered by this procedure that is a health care professional or a medical staff member may disclose information to another health care provider that a patient is no longer present in a Baptist Health facility only for the provider's treatment activities. The identity of the provider or their medical staff making the request must be known or verified prior to disclosure. All other provider requests shall be forwarded to the Health Information Management department.
 - b. When disclosing information for another provider's payment purposes, only the minimum amount of patient information may be disclosed. All other provider requests shall be forwarded to the medical records custodian.
 - c. Verifying Identity of Requestor.
 - i. If requestor, provider or staff member, making the request is known to you, you may disclose the requested information.
 - ii. If requestor, provider or staff member, making the request is not known to you, do not send or fax information to a number or address that is given to you over the phone. You may fax the information to a fax number on file for the provider or to a fax number listed for the provider in a directory of medical professionals or Baptist Health Medical Staff. Use only a verified fax number to send information.

- iii. For non-Baptist Health physicians, and those not in available directories, ask the requester to fax/email the request to you on the provider's letterhead showing pre-printed phone/address/license number, etc. Fax the requested information to printed number.
- iv. Documentation of Identity. Document the steps you have taken in verifying the identity/authority of the requester and retain the documentation, including any incoming fax or email message.
- d. Disclosures by Medical Records Custodian.
 - i. When a medical records custodian receives a written or verbal request from a provider for patient information for the provider's administrative activities or the provider's payment activities (if the patient whose information is being requested is not present in a Baptist Health facility), the custodian shall verify the identity of the requestor in accordance with this procedure. Patient information may not be disclosed to any provider, including providers who are Baptist Health medical staff members, for the administrative activities of the provider, unless:
 - 1) The information pertains to services rendered to a patient that Baptist Health and the provider have or had had in common; and
 - 2) The provider maintains that the information is sought for quality assessment and improvement, provider credentialing, or fraud and abuse detection or compliance activities.
 - e. Non staff licensed health care professionals requiring the medical record of a patient they are treating may obtain the record from the Medical Records department. Physicians who did not participate in the care of the patient for a particular admission/registration and are currently treating the patient, or physicians treating a patient admitted/registered to one of the system's hospitals, and requesting copies to the patient's prior admission/registration to one of the other system's hospitals are entitled to copies of requested health information by providing patient authorization, completing a staff physician request form, or providing a written request stating they are currently treating the patient on their letterhead.
- 3. Health Plan Requests - Responding to health plan requests for patient information
 - a. Anyone covered by this policy that receives a request for patient information from a health plan may disclose such information to the health plan to obtain prior authorization or pre-certification, in accordance with the HIPAA Privacy Policy regarding disclosures of patient information for Baptist Health's payment activities. Only the minimum amount of patient information necessary for such payment activities may be disclosed.
 - b. All other requests for patient information from a health plan shall be forwarded to the billing department.
 - c. The billing department may disclose patient information to a health plan if:
 - i. Verification of Requestor. The billing department verifies that the patient whose information is being requested is a member of the requesting health plan.
 - ii. Obtain Purpose of Disclosure. The billing department shall ask the health plan for the purpose for which it is requesting the information.
 - d. Patient information may be disclosed for the health plan's payment activities, but only the minimum amount of information necessary for such activities may be disclosed.
- 4. Other Third Party Requests - Responding to other third party requests for patient information
 - a. Anyone covered by this policy that receives a request for patient information from a third party that is not a health care provider or health plan shall handle and respond to such request in accordance with the relevant HIPAA Privacy Policy, depending on the identity of the requestor and the purpose of the request.
- 5. Minimum Necessary
 - a. When using, disclosing or requesting patient information for payment or administrative activities of a Baptist Health facility, reasonable efforts shall be made to limit the patient information to the minimum necessary to accomplish the intended purpose of the use, disclosure or request.
 - b. Anyone covered by this policy that is involved in disclosing information for payment or administrative activities for Baptist Health shall use, disclose and request the minimum amount of patient information necessary for such payment purposes.
 - c. When using or disclosing protected health information or when requesting protected health information from another covered entity or business associate, Baptist Health and its business associate must make reasonable efforts to limit protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request.

All references to Policies must go to the BHSF Master Copy on the BHSF Intranet; do not rely on other versions / copies of the Policy.

- d. Baptist Health must implement reasonable minimum necessary policies and procedures that limit how much protected health information is used, disclosed, and requested for certain purpose.
 - e. These minimum necessary policies and procedures also must limit who within the entity has access to protected health information, and under what conditions, based on the job responsibilities and the nature of the business.
 - f. BHSF Employees may only access, use and share as much information as is necessary for accomplishing the intended purpose.
6. Deceased individuals
- a. Baptist Health must comply with the requirements of this policy with respect to the protected health information of a deceased individual for a period of 50 years following the death of the individual.

SUPPORTING/REFERENCE DOCUMENTATION:

- Health Insurance Portability and Accountability Act of 1996 as amended from time to time and including any regulations promulgated thereunder (collectively, "HIPAA")
- Applicable Florida State Laws

RELATED POLICIES, PROCEDURES AND ASSOCIATED FORMS:

- Corporate HIPAA Privacy Policies
- 10000-74220-001.00 Unified Corporate Privacy Policy on HIPAA Compliance

ENFORCEMENT & SANCTIONS:

1. Reference: Corporate HIPAA Privacy Policy 10000-74220-605.20 Sanctions for Privacy Violations
2. Violations of this policy will be determined by the Chief Privacy Officer in consultation with the appropriate levels of department leadership and appropriate Human Resources management level. Reference: HR policies 5250 Employee Conduct and 5300 Corrective Action.
3. Violations of this policy may lead to disciplinary action up to and including termination.
4. Enforcement of this policy will be performed by Baptist Health South Florida's Privacy Office in conjunction with Human Resources, as circumstances may dictate.