

**PROVIDING MEDICAL INFORMATION TO FAMILY, FRIENDS, OR OTHERS DIRECTLY INVOLVED IN THE PATIENT'S CARE PROCEDURE**

1. The Privacy Official or Designee(s) will communicate this policy to the Bureau for Behavioral Health and Health Facilities (BBHFF) workers.
2. When a worker, based on his or her professional judgment, determines that it would be in the best interest of a patient to provide certain protected health information to a person involved in the patient's care (or payment for care), the worker should first ask the patient if he or she agrees or objects. If the patient objects, the worker may not disclose the PHI.
3. When circumstances demonstrate that the patient does not object (such as when a family member accompanies a patient into an exam room), the worker may make appropriate disclosures without first asking the patient.
4. If the patient is not available to agree or object, or is not able to participate in his or her health care due to incapacity, the worker may exercise professional judgment to act in the best interests of the patient in disclosing protected health information to someone involved in the patient's care. For example, if someone comes to a pharmacy counter and asks to pick up a filled prescription for a patient, it is reasonable to infer that the patient has requested this person to do so, and the pharmacist may act on this inference and his or her experience that this is a common practice.
5. The Privacy Official, or Designee(s), and Director of Information Services will develop procedures for workers to identify personal representatives and family members, when the patient is not present or otherwise unable to confirm identity, or deceased. This includes people who visit the BBHFF offices, people who call, and people who use Internet services to access information. Procedures will be consistent with the BBHFF security policies used to authenticate the identity of users.

**REFERENCE:** 45 CFR § 164.501(b)(1), (2), and (3)

See also:           DISCLOSURE OF PROTECTED HEALTH INFORMATION TO PERSONAL REPRESENTATIVES

                          EXTENSION OF PRIVACY PROTECTION TO DECEASED INDIVIDUALS

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