



HIPAA IN AN EMERGENCY SITUATION: SHARING PATIENT INFORMATION

Any emergency situation puts pressure on medical personnel to share information quickly. In light of recent events, this guidance will serve as a helpful reminder as to how patient information can be shared in an emergency situation.

Please remember that the “minimum necessary” standard is one of the cornerstones of HIPAA and always applies when sharing patient information. Only share the minimum information necessary to accomplish the goal at hand!

The HIPAA Privacy rule is **not** suspended during an emergency unless a specific waiver is issued by the Department of Health and Human Service.

➔ TIP: Unless you are directed otherwise by leadership, act under the assumption that HIPAA rules apply during an emergency situation and make every effort to protect privacy as if you were not in an emergency.

University of Miami Health System (the medical facility and its employees) is always permitted to share medical information with other entities for the purpose of treatment, coordination of care, consultations and referral of patients for treatment. It may also use patient information to secure payment for treatment and for “healthcare operations” such as creating and maintaining a census or ensuring that resources are optimally distributed.

Sharing Information with Family Members, Friends or “Persons Involved in the Patient’s Care”:

- ★ A health care provider may share information with family members, friends or people identified by the patient as being “involved in the patient’s care” as long as:
 - You are able to obtain verbal consent to share the information from the patient or you are able to reasonably say that the patient does not object to the sharing of that information, or
 - If the patient is not able to give consent or to object, then in your professional judgment it is in the best interest of the patient to share information (for example, to obtain a medical history or to ascertain what medications the patient is taking). As with any disclosure of patient data, it is important that only the minimum necessary information is used.
- ➔ TIP: Make sure you document your thought process in the event there is any question later on.
- ★ A health care provider may share limited directory-type information if a person asks for the patient by name. The facility may also acknowledge that an individual is a patient

and give very basic information about the person's condition (for example, that the patient is stable, critical or deceased) *as long as the patient has not objected to the release of that information.*

- ★ If the patient is incapacitated, the health care provider *may not* share information unless it is:
 - a) in the best interest of the patient, and
 - b) is consistent with any preferences the patient expressed, if any.

 - ★ University of Miami Health System may share protected health information about a patient as necessary to identify, locate and notify family members and care givers of the patient's location, general medical condition or death. Please make sure you coordinate with your supervisor/s in the event you need to make this kind of disclosure.
- ➡ TIP: If it is necessary to notify the police, press or public at large please make sure you coordinate with communications and leadership such that the best and most appropriate resources are available to you.

Sharing Information with a Public Health Authority:

University of Miami Health System may share information with a public health authority in order to carry out the public health mission. In cases of emergency several organizations may be involved such as the CDC, State of Florida, Red Cross and the like. A public health authority is generally a government entity (such as the CDC). Sharing with another healthcare or emergency relief organization (such as the Red Cross) is permitted under this exception where the organization is acting in collaboration with the government.

- ➡ TIP: Always make sure you know where the requesting organization fits in to the scheme of things and under whose authority they are acting. Don't be afraid to ask if you are unsure.

University of Miami Health System may also only share the necessary information to prevent or control the spread of disease, or to carry out public health investigations.

Imminent Danger:

University of Miami Health System may share patient information if it believes in good faith that it will prevent or lessen a "serious and imminent" threat to the health and safety of a person or the public. The provider may opt to share information with law enforcement, family members or "any persons whom the provider believes are reasonably able to prevent or lessen the threat".

- ➡ TIP: Make sure you consult with your supervisor/s or leadership to ensure that the standards are met and disclosure is appropriate.

PLEASE REMEMBER THAT THE PRIVACY OFFICE IS ALWAYS AVAILABLE TO ANSWER ANY QUESTIONS AND TO LEND GUIDANCE.

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