

UConn HEALTH

POLICY NUMBER 2003-08
September 8, 2015

POLICY: USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION BY WHISTLEBLOWERS AND WORKFORCE MEMBER CRIME VICTIMS (PRIVACY & SECURITY OF PROTECTED HEALTH INFORMATION (PHI))

PURPOSE:

To provide guidance regarding proper disclosure of PHI in whistleblower and/or workforce member crime victim situations.

SCOPE:

Applies to all UConn Health workforce:

- Employees (including faculty and staff)
- Volunteers
- Students and residents
- Temporary staff
- Agency and contracted staff
- Credentialed staff
- Members of the Board of Directors

POLICY STATEMENT:

1) As a general rule, UConn Health personnel may not disseminate PHI without a valid authorization and may not disclose PHI unless authorized by law. However, PHI may be used or disclosed by whistleblower or workforce member crime victims as defined below.

A. WHISTLEBLOWERS

Whistleblowers may be workforce members or business associates. PHI may be disclosed:

1. If the workforce member or business associate believes in good faith that UConn Health has engaged in conduct that is unlawful or otherwise violates professional or clinical standards, or that the care, services, or conditions provided by UConn Health potentially endangers one or more patients, workers, or the public;

AND

2. If the disclosure is to:

a. a health oversight agency or public health authority authorized by law to investigate or otherwise oversee the relevant conduct or conditions of UConn Health

OR

b. to an appropriate health care accreditation organization for the purpose of reporting the allegation of failure to meet professional standards or misconduct;

OR

- c. an attorney retained by or on behalf of the workforce member or business associate for determining the legal options of the workforce member or business associate with regard to the conduct described above.

B. VICTIMS OF A CRIME

A member of the UConn Health workforce who is the victim of a crime may disclose PHI to a law enforcement official, provided that:

- the PHI disclosed is about the suspected perpetrator of the crime; and
- the PHI disclosed is limited to the following:
 - a. name and address;
 - b. date and place of birth;
 - c. social security number;
 - d. ABO blood type and rh factor;
 - e. type of injury;
 - f. date and time of treatment;
 - g. date and time of death, if applicable; and
 - h. a description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence of absence of facial hair (beard or mustache), scars, and tattoos.

Reference: § 164.502 (j) Health Insurance Portability and Accountability Act of 1996

Iris Mauriello (Signed)

9/15/15

Iris Mauriello
Compliance Integrity/Privacy Officer

Date

Andrew Agwunobi (Signed)

9/18/15

Andrew Agwunobi, M.D., M.B.A.
Interim Executive Vice President for Health Affairs

Date

New Policy: 4/14/03

Reviewed w/o Changes: 1/29/08

Revisions: 3/28/05, 9/8/15