


Administrative Manual

	Policy Name	Facsimile Transmission And Receipt Of Protected Health Information (PHI) And Other Confidential Information
	Policy Number	ADMIN 0067
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	Responsible for Content	Medical Information Management

I. Description.....	1
II. Rationale.....	1
III. Policy.....	1
A. Procedure.....	1

I. Description

Confidentiality and Security when sending and receiving facsimile transmissions (fax)

II. Rationale

The University of North Carolina Health Care System (UNC HCS) recognizes its obligation to safeguard protected health information (PHI) and other confidential information (including information about employees) against disclosure or use by unauthorized individuals. This policy outlines the use and control of faxes to transmit PHI and other confidential information.

III. Policy

A. Procedure

1. General

- a. If mail-delivered copies cannot be received in a timely manner to meet the immediate needs of the requestor, PHI may be faxed to facilitate patient care for treatment, payment or health care operations purposes.
- b. Generally, routine disclosure of PHI for non-immediate patient care purposes, such as upon the request of insurance companies or attorneys, must be referred to Release of Medical Information in the Medical Information Management Department. Under certain circumstances, limited PHI may be faxed by clinical or other appropriate departments to insurance companies as required for ongoing certification of payment for a hospitalized patient.
- c. Due to the potential for keying errors, sensitive PHI for which the law requires specific confidential protection (such as mental health, drugs & alcohol, HIV/AIDS, or other infectious diseases, including, per UNC HCS policies, genetic testing) should not be transmitted via fax. Exceptions: (a) where the information is transmitted via an approved auto-fax method; (b) where PHI is needed urgently to treat a patient; or (c) when PHI is required by a third-party payer for ongoing certification of payment for a hospitalized patient. When faxing sensitive information manually as described in (b) and (c), the sender must call to verify the fax number prior to faxing the information and after faxing to ensure that the fax was received.
- d. PHI and other confidential information may be sent via fax between departments or sections within UNC HCS when necessary and should be accomplished according to the procedures and guidelines outlined in this policy.
- e. Departments wishing to implement/establish computerized fax transmission of PHI (auto-fax), other than the approved method via the institutional fax server (WebCIS autofax), must submit a request to the Director of Medical Information Management Department and show evidence of compliance with all auto-fax checklist items.

Departments using auto-fax should check the validity of all fax numbers at least once per year.

- f. For transmission of confidential employee information outside UNC HCS, only that specific information considered “public” under Section 126 of the State Personnel Act (North Carolina General Statutes) is allowed to be transmitted. If there is any question as to what this constitutes, please contact UNC HCS Human Resources, Employee Records, at 966-3056, for clarification.
- g. In all cases, UNC HCS policies and procedures regarding appropriate release of information must be followed.
- h. User IDs and passwords to UNC HCS systems must not be sent via fax. Alternate appropriate methods should be used.

2. PHI and Confidential Information Guidelines

- a. Fax machines should be located in non-public areas where access by unauthorized persons is limited.
- b. Specific staff members should be designated to receive incoming confidential documents, to remove these documents promptly, to examine them to assure receipt of all pages in a legible format, and to direct them to the appropriate individual/area.
- c. Destination numbers should be pre-programmed into fax machines and labeled, if possible, to eliminate errors in transmission from misdialing.
- d. A cover page must accompany all fax transmissions and include the following minimum information:
 - i. Sender’s Name
 - ii. Sender’s Department
 - iii. Sender’s Contact Information (Phone, etc.)
 - iv. Intended recipient’s name
 - v. Intended recipient’s phone number
 - vi. Number of pages in fax transmission
 - vii. The standard “Confidentiality Notice” below:

Confidentiality Notice

The information contained in (or attached to) this facsimile transmission may be legally privileged and/or confidential information. If you have received this communication in error, please notify the sender immediately and destroy the facsimile and any attachments.

3. Transmitting PHI

- a. Fax transmission of PHI external to UNC HCS should be limited to immediate patient care needs, for example, patient admitted to another facility/hospital, patient scheduled for clinic visit, patient being seen by referring or consulting physicians (should be identified in the medical record or WebCIS), patient being seen in follow-up by local or primary care physician, and third party payers for continued hospitalization.
- b. If the requester states that the information was not received following transmission, verify the fax number and fax the information again. If the information was found to be faxed to an incorrect number, complete an incident report and forward it to the UNC HCS Privacy Officer or Director of Medical Information Management Department. The

incident report must include the information that was faxed and the number to which the information was inappropriately faxed. The UNC HCS Privacy Officer or Director of MIM will appropriately account for the disclosure in the disclosure tracking system as appropriate.

- c. If a recipient of a misdirected fax contacts the sender, request that the recipient return the information via US Mail (offer to send a self-addressed stamp envelope if necessary). The recipient may instead offer to shred the information. Call the intended recipient and verify or obtain the correct fax number to resend the information.
- d. Documentation of what is released, including the date and to whom it is released, should be documented on the Request For Information form or on the fax confirmation sheet and sent to Medical Information Management to be scanned into the patient's WebCIS medical record under "Authorization," along with the signed authorization form.
- e. The use of fax to transmit physician orders is permissible. The fax must include patient name and medical record number. If the ordering physician prior to transmission signs the order, it does not need to be countersigned at a later date. If the order is not signed prior to transmission, it must be countersigned according to UNC Hospitals' Medical Staff Rules and Regulations regarding verbal orders.

4. Receiving PHI

- a. Remove faxes from the tray as soon as possible.
- b. Assure that the number of pages received matches what was indicated on the fax cover sheet and follow any instructions for verifying receipt of documents.
- c. If PHI was received in error, call the sender to notify them of the error and, as agreed upon by you and the sender, either forward the information to the intended recipient, destroy the information, or return information back to the sender via mail.
- d. PHI received by fax transmission is acceptable for inclusion in the electronic medical record (WebCIS) under the "External Records" document type.
- e. In most instances, faxed copies of complete Authorizations or other documentation are acceptable in lieu of an original document.