



Issuing Department: Internal Audit, Compliance, and Enterprise Risk Management

Effective/Reissue Date: 10/5/2016
Current Version: 12/2/2024

Disclosures of PHI by Telephone, Email, or Fax

Policy

NYU Langone Health will ensure that Disclosures of Protected Health Information (“PHI”) by telephone, fax, or email are relayed in a confidential and secure manner and are restricted to the minimum necessary to achieve the business purpose.

Disclosures of PHI by telephone, fax, or email will only be made:

- to carry out Treatment, Payment, or Health Care Operations,
- to an authorized person or entity, such as the patient or patient’s designated Personal Representative, and
- in accordance with the minimum necessary standard protocols and safeguards.

Workforce Members:

- caring for patients must be aware of any documented restrictions (e.g., requests for confidential communications) on the release of patient information.
- must verify the identity and authority of the individual requesting PHI.
 - Use professional judgment and act in the patient’s best interest if a concern about the requestor’s identity exists.
- should encourage patients to identify those individuals who are permitted to receive information regarding his/her condition. This should be documented in the patient’s medical record.
- must not disclose PHI without first confirming that it does not contain sensitive PHI (e.g. reproductive health information, HIV related information, alcohol and substance abuse information, genetic information). If the PHI to be disclosed includes sensitive information then workforce members are obligated to review and comply with the Sensitive PHI policy requirements in advance of any disclosure.

Procedure

After verifying the identity and authority of the recipient, follow the applicable procedures below to ensure the security of PHI.

Telephone Disclosures

1. Verify a caller's identity via confirmation of at least two (2) patient identifiers, notes regarding sharing information in the patient's medical record, or via call backs or exchange of information.
2. Request to speak directly with the patient. In the case of a language barrier, ask a third party to obtain oral permission from the patient. Document the patient's oral consent in the medical record, including the name of the third party and the content of the message.
3. Messages left on answering machines should be limited to the caller's first name, where they are calling from, who they are calling for, and a number to return the call.
 - Appointment reminders and confirmation of prescription refills may be left on a patient's answering machine, but only state the minimum amount of information necessary to achieve the purpose of the call (e.g., stating that a prescription is ready, but not what the prescription is for).

Email Disclosures

1. Always double check the email recipient prior to sending PHI. Limit the recipient list to the minimum necessary.
2. Always use SendSafe secure email when emailing PHI outside of the NYU Langone Health firewall (i.e., to non- @nyulangone.org or @med.nyu.edu accounts). Type **[safe]**, including the square brackets, anywhere in the subject line of the email to send the message securely.
3. NYU Langone Health prefers to communicate with patients electronically via MyChart messaging and not via email when possible. If a patient specifically asks to communicate via email or initiates communication via email, SendSafe secure email must always be used. Exceptions may be made with respect to providing medical records to a patient at his/her request in accordance with the *Right to Inspect and Obtain PHI* Policy; the Privacy Officer must be consulted for these requests or other requests to communicate patient information via unencrypted email. Email should never be used to communicate urgent patient care matters.

Fax Disclosures

1. Always use the NYU Langone Health fax cover sheet when sending PHI by fax.
 - The cover sheet includes a confidentiality statement instructing anyone who receives the fax in error to destroy the fax and contact the sender or the Office of Internal Audit, Compliance, and Enterprise Risk Management.
 - Do not include any PHI on the cover sheet.
2. If possible, do not fax highly sensitive PHI, such as PHI about a patient's drug or alcohol treatment, mental illness, sexually transmitted diseases, or HIV/AIDS status. If it is necessary to fax highly sensitive PHI, notify the recipient when sending the fax so that they can retrieve the fax when it arrives.

3. Always double check the fax number prior to sending. Review fax confirmations to validate faxing of the information to the intended recipient.
4. Routinely monitor fax machines to ensure any incoming fax containing PHI is not left on the machine for an extended period of time.

Related Documents

General Uses and Disclosures of PHI

HIPAA Privacy Policies, Procedures, and Documentation

HIPAA Privacy Policies and Procedures Definitions

NYU Langone Health Fax Cover Sheet for PHI

Minimum Necessary Standard for Uses and Disclosures of PHI

Safeguarding PHI

Send Safe Secure Email (<http://central.nyumc.org/shared/legal/compliance/Pages/sendsafe.aspx>)

Verification of Identity and Authority Prior to Disclosure of PHI

Sensitive PHI

This version supersedes all NYU Langone Health (as defined in this Policy) previous policies, including but not limited to NYU Hospitals Center, New York University School of Medicine, Lutheran Medical Center, and Winthrop University Hospital.