



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

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Disclosures of PHI to Family or Friends

Policy

NYU Langone Health will only Disclose Protected Health Information (“PHI”) to family or friends in accordance with HIPAA and the HIPAA Privacy Policies and Procedures.

When a family member or friend is designated as a patient’s Personal Representative, the *Providing PHI to Personal Representatives* Policy will guide how NYU Langone Health Discloses PHI.

NYU Langone Health generally will not Disclose PHI to family or friends unless the patient has agreed to such Disclosures, except in limited circumstances (for example, for notification purposes as described in *Uses and Disclosures of PHI Required or Permitted By Law* Policy). The patient must be provided an opportunity to agree or object to the Disclosure. If an opportunity to agree or object cannot reasonably be provided (e.g., in the case of a medical emergency), NYU Langone Health will Disclose a patient’s PHI if, in exercising professional judgment, Disclosure is in the best interest of the patient.

If a patient objects to the Disclosure of their PHI to anyone specifically authorized to receive PHI, the objection must be clearly documented in the patient’s medical record.

Procedure

1. Workforce Members should respectfully ask the patient if discussing the patient’s treatment, diagnosis, or medical history in front of family or friends is acceptable. Workforce Members may discuss the patient’s care with the patient, in the presence of friends or family, if the patient either agrees or does not object.
2. If the patient objects to the Disclosure of their PHI to family or friends, Workforce Members will respectfully ask those individuals to leave the room before discussing the patient’s information, including their treatment, diagnosis, or medical history.
3. If the patient objects (and the individual is otherwise specifically authorized to receive PHI) or requests additional restrictions, the following will be documented in the medical record:
 - what information the patient objected to sharing,
 - the name and relationship of the person(s) that the patient objected to sharing information with, and

- the date and reason (if provided) of the objection.
4. If the patient is not present, is incapacitated, or is in an emergency situation, Workforce Members may Disclose the minimum necessary PHI with family or friends involved in the patient's care if:
 - the patient has not previously objected to the disclosure as noted in the patient's medical record, and
 - the Workforce Member determines, in the exercise of professional judgment, that the Disclosure is in the best interest of the patient.
 5. Workforce Members may release filled prescriptions, medical supplies, or other similar forms of PHI to a person involved in the patient's care if the patient has authorized such release or if, in the exercise of professional judgment, the Workforce Member reasonably believes it is in the best interest of the patient.
 6. Workforce Members shall not Disclose sensitive PHI to friends or family without written consent from the patient or other required documentation. Sensitive PHI includes:
 - Confidential HIV-related information,
 - mental health information,
 - alcohol or substance abuse information, and
 - genetic information,
 - reproductive health information.
 7. Disclosures made in accordance with this Policy are generally not required to be part of an accounting (see *Accounting for Disclosures of PHI* Policy).

Related Documents

Accounting for Disclosures of PHI

General Uses and Disclosures of PHI

HIPAA Privacy Policies, Procedures, and Documentation

HIPAA Privacy Policies and Procedures Definitions

Minimum Necessary Standard for Uses and Disclosures of PHI

Providing PHI to Personal Representatives

Uses and Disclosures of PHI Required or Permitted by Law

Legal Reference

45 C.F.R. §164.510(b)

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.