

## FACSIMILE TRANSMISSION OF PATIENT IDENTIFIABLE HEALTH INFORMATION (PROTECTED HEALTH INFORMATION)

### PURPOSE

To establish a procedure for faxing Protected Health Information (“PHI”) that safeguards confidentiality and meets applicable state and federal laws and regulatory standards.

### DEFINITIONS

*“Protected health information” or “PHI”* is any individually identifiable health information regarding a patient’s medical or physical condition or treatment in any form created or collected as a consequence of the provision of health care, in any format including verbal communication.

### POLICY

The transmission of patient information via facsimile (fax) is permissible in situations in which the information is required urgently for continuity of patient care, for payment of patient accounts or other healthcare operations. Only the information minimally necessary to accomplish the purpose should be transmitted. Safeguards must be taken to ensure delivery to the intended recipient at a secured fax machine.

### PROCEDURE

#### I. Receipt of Faxed Requests and Information

- A. A faxed authorization authorizing the release of patient identifiable information must meet the applicable requirements (*see*: Privacy Policy and Procedure No. 9412, *“Authorization to Disclose Protected Health Information (“PHI”)*). Faxed requests should be followed by an original signed authorization as soon as possible.
- B. If possible, refrain from faxing of sensitive health information, such as that dealing with mental health, chemical dependency, sexually transmitted diseases, HIV or other highly personal information.
- C. Faxed requests that do not require specific authorization may be processed in accordance with University policies and procedures.

- D. Medical information received via facsimile is acceptable and can be included in the patient's medical record under the outside correspondence section.

## II. Transmission of Information via Facsimile Machine

### A. Cover Sheet.

A cover sheet must be used when faxing documents. The cover sheet must contain the following information:

1. Name of the recipient of the fax;
2. Date;
3. Number of pages;
4. Name of sender;
5. Phone number and address of sender; and
6. Confidentiality Notice (see sample below).

The headline of the cover sheet should state in large bold type: "Confidential Health Information Enclosed." A statement such as the following should follow below:

"Health Care information is personal and sensitive. This is being faxed to you after appropriate authorization from the patient or under circumstances that do not require patient authorization. You, the recipient, are obligated to maintain it in a safe, secure and confidential manner. Re-disclosure without additional consent as permitted by law is prohibited. Unauthorized re-disclosure or failure to maintain confidentiality could subject you to penalties described in federal and state law."

Include at the bottom of the fax coversheet a warning such as:

"IMPORTANT WARNING: These documents are intended for the use of the person or entity to which it is addressed and may contain information that is privileged and confidential, the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this communication in error, please immediately notify us by telephone and return this original message or destroy it."

B. Pursuant to Patient Authorization.

When releasing PHI via facsimile pursuant to a patient authorization, the fax cover sheet with documentation of the disclosed information, date and name of the employee making the disclosure should be filed in the patient's medical record. The signed authorization from the patient or the patient's legal representative must also be filed in the patient's medical record.

The sample cover sheet attached as Appendix 1 may be used to generate department-specific forms.

C. Confirm Before Sending.

To minimize unauthorized persons from viewing the documents, confirm with the recipient of the fax prior to transmission that the recipient is available to receive the information. The recipient's fax machine should be in a secure, lower-traffic area. Use fax gateway technology whenever possible.

D. Separate Fax Machine.

In order to ensure enhanced procedures for the transmission of PHI via facsimile (as opposed to routine administrative information), when possible, a separate fax machine should be designated to send and/or receive PHI. Care should be taken to ensure that PHI is not inadvertently mixed with routine office faxes.

E. Verify Fax Number.

Reasonable steps must be taken to ensure the fax transmission is sent to the appropriate destination. Pre-program and test destination numbers should be used whenever possible to eliminate errors in transmission from misdialing. Periodically, remind those who are frequent recipients of individually identifiable health information to notify you if their fax number is to change. Double-check the recipient's fax number before sending the transmission.

F. Do Not Leave Documents Unattended.

Documents should not be left on the fax machine unattended during the transmission process and should be removed from the machine when transmission is completed. As with other PHI that arrives by mail or by other means, care should be taken to see that faxes that contain PHI are placed in a secure/confidential place when they are delivered, and not left in an in-box that is in full view of passers-by.

G. Transmission Confirmation.

Make sure your fax machine prints a confirmation of each outgoing transmission and require machine operators to make certain the intended destination matches the number on the confirmation, and staple the confirmation to the document that was faxed.

H. Errant Transmissions.

Should you become aware of an errant transmission, contact the recipient of the transmission to verify receipt and/or ask that the materials be returned or destroyed. If an errant transmission has compromised a patient's right to privacy, the incident must be reported immediately to the Privacy Officer.

I. Security.

As with all other paper documents that contain PHI, make sure that faxes that contain PHI are handled and stored in a secure manner.

J. Employee Training.

All employees shall be trained upon hire and periodically thereafter as to UCLA Healthcare's policies and procedures for using the fax machine to transmit and receive PHI.

## APPROVAL

Corporate Compliance Committee

Carole Klove, RN, JD  
Chief Compliance and Privacy Officer

## REVISION HISTORY

Approved: April 8, 2003; February 22, 2006  
Effective Date: April 14, 2003; April 20, 2005  
Revised: April 8, 2005, November 2005

*Formerly Policy No. 9451 "Facsimile Transmission of PHI"*

## REFERENCES

Health Insurance Portability and Accountability Act, 45 CFR 160-164

California Medical Information Act, California Civil Code Section 56 *et seq.*

**APPENDIX 1**

Department logo and address

Date: \_\_\_\_\_  
No. of pages \_\_\_\_\_  
(Including Cover Sheet)

**“Confidential Health Information Enclosed”**

To: _____ _____
Phone: _____
Fax: _____

From: _____ _____
Phone: _____
Fax: _____

REMARKS:          
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Health care information is personal and sensitive. This is being faxed to you after appropriate authorization from the patient or under circumstances which do not require patient authorization. You, the recipient, are obligated to maintain it in a safe, secure and confidential manner. Re-disclosure without additional consent as permitted by law is prohibited. Unauthorized re-disclosure or failure to maintain confidentiality could subject you to penalties described in federal and state law.

**IMPORTANT WARNING:** These documents are intended for the use of the person or entity to which it is addressed and may contain information that is privileged and confidential, the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is **STRICTLY PROHIBITED**. If you have received this communication in error, please immediately notify us by telephone and return this original message or destroy it.