



University of Connecticut Health Center

POLICY NUMBER 2003-08

January 29, 2008

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 to whistleblowers and workforce member crime victims disclosing PHI.

SCOPE:

Applies to all University of Connecticut Health Center (UCHC) 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, UCHC personnel may not disseminate PHI without a valid authorization, or as 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 UCHC has engaged in conduct that is unlawful or otherwise violates professional or clinical standards, or that the care, services, or conditions provided by UCHC 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 UCHC or to an appropriate health care accreditation organization for the purpose of reporting the allegation of failure to meet professional standards or misconduct; or
 - b. 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

1. A member of the UHC workforce who is the victim of a crime may disclose PHI to a law enforcement official, provided that:
 - a. the PHI disclosed is about the suspected perpetrator of the crime; and
 - b. the PHI disclosed is limited to the following:
 1. name and address;
 2. date and place of birth;
 3. date and time of death, if applicable; and
 4. 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

02/06/08

Corporate Compliance Integrity/Privacy Officer

Date

Peter Deckers, M.D.

02/08/08

Executive Vice President for Health Affairs

Date

Originally Issued: April 14, 2003

Updated: 3/28/05

Reviewed: 1/29/08 w/o changes