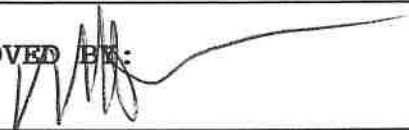


COUNTY OF IMPERIAL
DEPARTMENT OF BEHAVIORAL HEALTH SERVICES

POLICY AND PROCEDURE MANUAL

SUBJECT: Fax - Sending Confidential Information by Facsimile	POLICY: 01-52
SECTION: Administration	EFFECTIVE DATE: 8-29-12
REFERENCE:	PAGE: 1 of 4
AUTHORITY: Behavioral Health Director as the Local Mental Health Director and Alcohol and Drug Administrator	SUPERSEDES: 3-15-03
	APPROVED BY: 

PURPOSE: To ensure that all information sent by facsimile is received by the authorized party and protected for confidentiality.

NOTES: Behavioral Health records are particularly sensitive and require special safeguarding (W&I Code 5328 et. seq.) Sections 5328 of the Welfare and Institution code is included as Attachment I. A standardized Fax Cover Sheet is included as Attachment II. A Misdirected Fax Cover Sheet is included as Attachment III.

DEFINITIONS: Individually Identifiable Health Information means health information including demographic information collected from an individual, that is created or received by a health care provider, health plan, employer or health care clearinghouse, and relates to the past, present, future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to the individual that identifies the individual or where there is a reasonable basis to believe the information can be used to identify the individual, as set forth under 45 CFR Section 160.103. Individually identifiable health information includes many common identifiers including: name; address; Social Security Number; telephone numbers; fax numbers; medical record number; email addresses; all elements of dates (except year) related to an individual (including dates of admission, discharge, birth, death, and, for individuals over 89 years old, the year of birth may not be used; account numbers; certificate/

license numbers; vehicle identifiers and serial numbers including license plates; device identifiers and serial numbers; web URLs, internet protocol addresses; biometric identifiers; full face photos and comparable images; and any unique identifying number, characteristic or code.

Protected Health Information (PHI): The Privacy Rule protects all *individually identifiable health information* that is held or transmitted in any form or media whether electronic, paper, or oral. The Privacy Rule calls this information "protected health information (PHI)".

Personal Information (PI) means an individual's first name or first initial and the last name in combination with any one or more of the following data elements when either the name or the data elements are not encrypted: (1) Social security number; (2) Driver's license number or California Identification Card number; (3) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account; 4) medical information; (5) Health insurance information. *California Civil Code Section 1798.25*

PI (Personal Information): means an individual's first name or first initial and the last name in combination with any one or more of the following data elements when either the name or the data elements are not encrypted: (1) Social security number; (2) Driver's license number or California Identification Card number; (3) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account; 4) medical information; (5) Health insurance information. *California Civil Code Section 1798.25*

POLICY: Confidential medical record information will be faxed only when the original record or mail delivered copies will not meet the immediate needs of patient care for the requester.

Faxes containing PHI or PI shall not be left unattended and fax machines shall be in secure areas.

Not all information to be faxed will be medical record information, but all information to be faxed must be treated with the same CONFIDENTIAL guidelines.

Medical records must be kept confidential, and the facility shall safeguard the information against loss, defacement, tampering or use by unauthorized persons.

Except as authorized by law, a properly completed and signed authorization must be obtained before releasing patient information.

A processing fee for the faxed copies will be applied based on the fee scale established by the State of California. This fee will be determined and billed by the Medical Records unit.

An ICBHS fax cover sheet shall be used when faxing information (See attached fax sheet). All ICBHS fax cover sheets must include the following information:

"WARNING-CONFIDENTIAL: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE DESTROY THEM.

CONFIDENTIAL PATIENT INFORMATION - WELFARE AND INSTITUTION CODE SECTION 5328. INFORMATION SUBJECT TO RELEASE IN ACCORDANCE WITH THE FEDERAL PRIVACY ACT OF 1974 P.L. 93-579."

Fax machines may be used to transmit confidential information, but reasonable care must be taken to assure the information reaches the correct destination. Employees shall call before the information is transmitted to confirm that the designated authorized contact person is there to receive the information.

In the event a fax is not received by the intended recipient, staff shall check fax transmittal sheet to obtain the misdialed number. If the transmittal sheet is not available, staff shall check the internal logging system of the fax machine to obtain the misdialed number. If possible, a phone call (supplemented by a note referencing the conversation) shall be made to the recipient of the misdirected fax requesting that the entire content of the misdirected fax be destroyed. If the recipient cannot be reached by phone, a fax using the Misdirected Fax Sheet (See Attachment III) shall be sent to the recipient requesting

that the entire content of the misdirected fax be destroyed. It is the responsibility of the supervisor of the program sending the misdirected fax to ensure it is recorded on the Accounting of Disclosure Log. The program supervisor is also responsible for reporting the misdirected fax to the ICBHS Privacy Officer.

ICBHS staff must limit information transmitted to that minimally necessary to meet the requester's needs. ICBHS staff shall not send by fax sensitive information including, but not limited to, AIDS (HIV) information, mental health, and alcohol and drug information without the express authorization of the deputy director or designee.

No personal material shall be sent or received on Behavioral Health Services fax machines.

All supervising staff are responsible for enforcing this policy. Employees who violate this policy are subject to discipline up to and including termination.