

**TEXAS ASSOCIATION OF COUNTIES
HEALTH AND EMPLOYEE BENEFITS POOL
HIPPA POLICIES**

**DISCLOSURES OF PROTECTED HEALTH INFORMATION
TO THOSE INVOLVED IN THE INDIVIDUAL'S CARE**

Effective Date: March 17, 2003

POLICY

HEBP may disclose to a family member, other relative or a close personal friend of the individual, or any other person identified by the individual, the PHI directly relevant to such person's involvement with the individual's care or payment related to the individual's health care.

HEBP may, consistently with the procedures set forth below, also use or disclose PHI to notify, or assist in the notification of a family member, a personal representative of the individual or another person responsible for the care of the individual of the individual's location, general condition or death.

PROCEDURE

- If the individual is present for, or otherwise available prior to, a use or disclosure permitted by this policy and has the capacity to make health care decisions, HEBP will use or disclose the PHI only if HEBP:
 - Obtains the individual's agreement;
 - Provides the individual with the opportunity to object to the disclosure, and the individual does not express an objection; or
 - Reasonably infers from the circumstances, based on the exercise of professional judgment, that the individual does not object to the disclosure.
- If the individual is not present, or the opportunity to agree or object to the use or disclosure cannot practicably be provided because of the individual's incapacity or an emergency circumstance, HEBP may determine whether the disclosure is in the best interests of the individual and, if so, disclose only the PHI that is directly relevant to the person's involvement with the individual's health care. HEBP will use its judgment and experience to make reasonable inferences of the individual's best interest in allowing a person to act on behalf of the individual to pick up filled prescriptions, medical supplies, x-rays, or other similar forms of PHI.