

Adopted: January 25, 2011

Minnewaska Area Schools Policy 1009

Revised: _____

Origin: 2010

1009 HEALTH INFORMATION PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA) Fax Policy

Introduction

Minnewaska Area Schools Day Treatment has adopted this Fax Policy to comply with the Health Information Portability and Accountability Act of 1996 (“HIPAA”), the Department of Health and Human Services (“DHHS”) security and privacy regulations, the Joint Commission on Accreditation of Healthcare Organizations (“JCAHO”) accreditation standards, as well as our duty to protect the confidentiality and integrity of confidential medical information as required by law, professional ethics, and accreditation requirements. All personnel of Minnewaska Area Schools Day Treatment must comply with this policy. Familiarity with the policy and demonstrated competence in the requirements of the policy are an important part of every employee’s responsibilities.

Assumptions

This Fax Policy is based on the following assumptions:

- Often Minnewaska Area Schools Day Treatment personnel or organizations with which Minnewaska Area Schools Day Treatment does business will have a real or a perceived need to transmit or receive confidential medical information by fax rather than by a slower method, such as mail.
- Personnel may misdirect faxes to unauthorized recipients, faxes may be intercepted or lost in transmission, or Minnewaska Area Schools Day Treatment may not receive a fax intended for it because of one of these or other reasons.
- Thus, the potential for breach of patient confidentiality exists every time such information is sent or received by fax.

Policy

All personnel must strictly observe the following standards relating to facsimile communications of patient medical records:

- Minnewaska Area Schools Day Treatment its officers, agents, and employees will send health information by fax only when the original record or mail-delivered copies will not meet the needs of immediate patient care.
- Health records or documents containing individually identifiable health information may be transmitted by fax only when urgently needed for patient care or required by a third-party payer for ongoing certification of payment for a hospitalized patient.

- Information transmitted must be limited to that necessary to meet the requester's needs.
- Except as authorized by law, a properly completed and signed authorization must be obtained before releasing patient information (see Minnewaska Area Schools Day Treatment's release of information policy).
- Especially sensitive medical information, including, but not limited to, AIDS/HIV information, other sexually transmissible disease information, mental health and developmental disability information, and alcohol and drug abuse information may not be sent by fax without the express authorization of the director of mental health services.
- The cover page accompanying the fax transmission must include the confidentiality notice attached to this policy as Enclosure A.
- Reasonable efforts must be made to assure that the fax transmission is sent to the correct destination. Numbers that are used frequently must be preprogrammed into the machine to eliminate misdialing errors. For a new recipient, the sender must verify the fax number before sending the fax and verify the recipient's authority to receive confidential information.
- Fax machines must be located in secure areas, and the department director is responsible for limiting access to them.
- The office manager is responsible for ensuring that incoming faxes are properly handled—not left sitting on or near the machine, but rather is distributed to the proper recipient expeditiously while protecting confidentiality during distribution.
- **Any misdirected faxes must be reported to the director of mental health services immediately.**
- The office manager will periodically and/or randomly check all speed-dial numbers to ensure their currency, validity, accuracy, and authorization to receive confidential information.
- Users must immediately report violations of this policy to their immediate supervisor.

Enforcement

All officers, agents, and employees of Minnewaska Area Schools Day Treatment **must** adhere to this policy, and all supervisors are responsible for enforcing this policy. Minnewaska Area Schools Day Treatment will not tolerate violations of this policy. Violation of this policy is grounds for disciplinary action, up to and including termination of employment and criminal or professional sanctions in accordance with Minnewaska Area Schools Day Treatment's medical information sanction policy and personnel rules and regulations.

Portions of this fax policy were adapted from the American Health Information Management Association's *Guidelines for Faxing Patient Health Information*. Facsimile Transmission of Health Information—COVERED ENTITY BRIEF (July/August 1996) at publications/asjuly.aug.pract.brief.html.