



University Community (faculty, staff and students)

SUBJECT (R*)	EFFECTIVE DATE (R)	PROCEDURE NUMBER
HIPAA PRIVACY AND SECURITY: FAXING PROTECTED HEALTH INFORMATION: STEPS TO MINIMIZE PRIVACY RISKS	September 1, 2009	1640.005(a)

PROCEDURE STATEMENT (R)

Employees of Florida International University who have access to, maintain or transmit protected health information (“PHI”) will protect the privacy and confidentiality of this information when transmitting or receiving it via facsimile (fax).

PROCEDURE

A. *Sending Faxes.*

Employees may transmit PHI by fax only when the transmission is time-sensitive and delivery by regular mail will not meet the reasonable needs of the sender or recipient or when the patient approves of transmission via fax.

Employees will take reasonable steps to ensure that any fax transmission which includes PHI is sent to and received by the intended recipient. These reasonable steps may include, but are not limited to, the following:

1. Confirm with the intended recipient that the receiving fax machine is located in a secure area or that the intended recipient is waiting by the fax machine to receive the transmission.
2. Pre-program the fax numbers of those recipients to whom PHI is frequently sent so errors associated with misdialing can be minimized or avoided. Pre-programmed fax numbers will be tested frequently to confirm they are still valid.
3. When a fax number is entered manually (because it is not one of the pre-programmed numbers), visually check the recipient's fax number on the fax machine prior to starting the transmission.
4. Use a standard fax cover sheet that contains a statement to the following effect:

This facsimile is intended only for the use of the named addressee and may contain health information, the privacy and confidentiality of which are protected by federal and state law. If you are not the intended recipient, or you are not the employee responsible for delivering the facsimile to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify the sender immediately and destroy, as appropriate.

5. Include the name, business affiliation, telephone number and fax number of the intended recipient as well as the number of pages contained in the transmission on the cover sheet.
6. Check fax confirmation sheets to confirm the material was faxed to the intended fax number. If the intended recipient notifies the sender that the fax was not received, the sender will use best efforts to determine whether the fax was inadvertently transmitted to another fax number by checking the fax confirmation sheet and/or the fax machine's internal logging system.
7. If an employee becomes aware that a fax was sent to the wrong fax number, the employee will immediately attempt to contact the recipient by fax or telephone and request that the faxed documents, and any copies of them, be immediately returned or destroyed. The employee is responsible for notifying his/her immediate supervisor or the University Privacy Officer of the misdirected fax.

8. Those recipients who regularly receive PHI via fax will be periodically reminded to notify Florida International University of any change to the recipient's fax number.
9. Fax confirmation sheets will be attached to and maintained with all faxed materials.
10. Sensitive PHI (such as HIV/AIDS status and/or test results, or substance abuse and mental health treatment records) should never be sent by fax absent urgent need for this information as determined by the health care provider.
11. When faxing PHI, employees will comply with all other Florida International University Privacy and Security Policies and Procedures.

B. Receiving Faxes

Employees who are intended recipients of faxes that contain PHI will take reasonable steps to minimize the possibility those faxes are viewed or received by someone else. These reasonable steps may include, but are not limited to, the following:

1. Fax machines that receive faxes containing PHI will be located in secure areas. If an employee receives a fax containing PHI on a fax machine that is not in a secure area, the recipient of the fax will promptly advise the sender that the receiving fax machine should not be used for the transmission of such information.
2. Fax machines will be checked on a regular basis to minimize the amount of time incoming faxes that contain PHI are left on the machines. Employees who monitor the fax machines, or the employee who sees such a fax on the machine, will promptly remove incoming faxes and places the fax in a secure location.
3. If an employee receives a fax addressed to someone other than the employee and the person to whom the fax is addressed is someone at Florida International University, the employee will promptly notify the individual to whom the fax was addressed and deliver or make arrangements to deliver the misdirected fax.
4. If an employee receives a fax addressed to someone other than the employee, and the person to whom the fax is addressed is NOT affiliated with Florida International University, the employee will promptly notify the sender, and destroy or return the faxed material as directed by the sender.
5. Employees who routinely receive faxes containing PHI from other individuals or organizations (either internal or external sources) will promptly advise those regular senders of any changes to the employee's fax number.
6. Employees who receive faxes that contain sensitive PHI (such as HIV/AIDS status, results, or substance abuse and mental health treatment records) will promptly advise the senders of such faxes that it is the policy of Florida International University not to accept transmissions of sensitive PHI by fax absent urgent need for this information as determined by the health care provider.

REASON FOR PROCEDURE (O*)

While fax machines provide a useful and efficient mechanism to transmit information within and outside of Florida International University, the transmission of protected health information via fax poses privacy risks associated with misdirected faxes and receipt of faxes in unsecured locations. This procedure is designed to minimize the risks associated with the faxing of this information by establishing criteria as to when and how to transmit protected health information via fax.

DEFINITION (R)

“Individually identifiable health information” means information that is a subset of health information, including demographic information collected from an individual, and:

- Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
- Relates to the past, present, or 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 an individual; and
 1. That identifies the individual; or
 2. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.

“Protected health information” or “PHI” means individually identifiable health information that is:

- Transmitted by electronic media;
- Maintained in electronic media;
- Transmitted or maintained in any other form or medium.
- Protected health information specifically excludes:
 1. Education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. § 1232g (“FERPA”);
 2. Records described at 20 U.S.C. § 1232g(a)(4)(B)(iv); and
 3. Employment records held by a covered entity in its role as an employer.

“Sensitive protected health information” or “sensitive PHI” means Protected Health Information that pertains to (i) an individual's HIV status, test results, or treatment of an individual for an HIV-related illness or AIDS, (ii) an individual's substance abuse condition or the treatment of an individual for a substance abuse disorder or (iii) an individual's mental health condition or treatment of an individual for mental illness, or (iv) an individual's genetic test results and evaluation.

“Secure area” means a location that is not accessible to the general public.

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Division of Academic Affairs
Florida International University

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

University Compliance Officer and
Interim Privacy Officer
University Compliance Office PC 520
11200 S.W. 8th Street
Miami, FL 33199
Telephone Number: (305) 348-2216

The University Policies and Procedures Library is updated regularly. In order to ensure a printed copy of this document is current, please access it online at www.policies.fiu.edu.

For any questions or comments, the “Document Details” view for this procedure online provides complete contact information.

***R = Required**

***O = Optional**