SECTION 3: USES & DISCLOSURES OF PHI

3.11. Faxing Protected Health Information (PHI)

POLICY

1. UF persons who fax Protected Health Information (PHI) shall ensure that the recipient’s information is valid and adhere to the safeguards detailed in this policy.
   a. Recipient Fax number shall be validated before PHI is transmitted, whenever possible.
   b. Pre-programmed Fax numbers should be used whenever possible.
   c. Fax cover sheets are required when faxing PHI.
2. Minimum necessary applies: When using or disclosing PHI, a covered entity or business associate must make reasonable efforts to limit PHI to the minimum necessary to accomplish the intended purpose of the use or disclosure.
3. This policy applies to all UF fax machines that send or receive PHI or other restricted data and to all users including, but not limited to, faculty, staff, students, and volunteers.
4. Faxed messages that include PHI, sent from within UF to incorrect recipients outside of UF generally constitute a breach of PHI; such incidents must be reported to the Privacy Office.

DEFINITIONS

1. Confidentiality Disclaimer: A statement on a fax cover sheet that notifies the recipient of the protected nature of the faxed materials; also informs an unintended recipient how to report a misdirected fax and the consequences of misusing the materials received. A fax disclaimer should include four elements:
   a. That the information is privileged or confidential;
   b. That it is intended for use only by the addressee;
   c. That use of the information is strictly prohibited;
   d. To please notify the sender of the erroneous receipt
2. Fax: A means or system for transmitting copies of documents electronically, usually between terminals linked by telecommunications networks.
3. Validation: Process by which information is confirmed to be true, accurate and complete.

PROCEDURES

1. Validating Fax Information
   a. Validation
      i. Recipient information, including address, fax and phone numbers, shall be validated before PHI is transmitted.
      ii. Recipient information shall be validated on an annual basis at a minimum.
      iii. Faxes sent to unknown or unfamiliar locations should be validated before PHI is transmitted.
2. Validation Process for providers stored in Epic or in the SER Master File.
a. Sender shall validate recipient information by calling the intended recipient and verbally confirming the recipient’s information.

b. Sender will update Epic and/or the SER Master File with correct recipient information.

3. Faxing

a. Pre-programmed fax numbers should be used whenever possible. Validate the programmed numbers periodically (at least annually) for accuracy. For example, send a cover sheet and verify by phone, e-mail, return fax, or in person that it was received.

b. Fax cover sheets should be used when faxing PHI. Always use an approved cover sheet form that includes identifying information of both the sender and intended recipient, and an appropriate confidentiality disclaimer for fax messages that contain PHI or restricted data (see Disclosure Forms: Fax Cover Sheet). Examples of fax disclaimer statements:

i. This transmission contains information that is confidential and/or protected by law. This information is intended for use only by the addressee indicated above. If you are not the intended recipient, please be advised that any disclosure, copying, distribution, or use of the contents of this information is strictly prohibited. Please call us at the number above to notify us of a fax received in error. Your cooperation is appreciated.

ii. The information contained in this fax transmission is privileged, confidential and intended for use of the addressee listed above and has been disclosed from records whose confidentiality is protected by state and federal law. State law prohibits making any further disclosure of such information, including mental health, HIV testing, and alcohol/drug treatment information, if present, without the specific written consent of the person to whom such information pertains or as otherwise permitted by law. A general authorization for the release of medical information is not sufficient for this purpose. If you receive this fax in error, please notify us immediately at the telephone or fax number above. Thank you.

c. A fax cover sheet shall include, at a minimum:

i. Sender’s business name, telephone number, fax number, and name (e.g. person sending the fax);

ii. Recipient’s name and fax number;

iii. Number of pages faxed;

iv. Appropriate Confidentiality Disclaimer, which includes the following four elements at a minimum:
   - That the information is privileged or confidential;
   - That it is intended for use only by the addressee;
   - That misuse of the information is strictly prohibited;
   - To please notify the sender if the fax is received in error.

d. Use verification procedures. Faxes sent to unknown or unfamiliar locations should be phone-verified before any PHI is transmitted. That is, send the cover sheet alone and then call or otherwise communicate to verify that the intended and authorized person received it and is standing by to receive the PHI documents that will follow, then fax the rest of the materials.
e. UF will apply reasonable safeguards when faxing PHI to protect the information from inappropriate use or disclosure. These safeguards may vary and are described in this policy. Additional safeguards that may be applied include:

i. Using a fax cover sheet;
ii. Verifying the recipient’s fax number before faxing;
iii. Contacting the recipient before faxing to ensure recipient is available to accept the information at the time of the fax (e.g. is standing near fax machine);
iv. Confirming receipt of the fax shortly after faxing;
v. Setting the fax machine to print a confirmation page for each outgoing fax. Verify the number of pages transmitted and the receiving fax number from the confirmation page. File the confirmation page with the department’s fax log or record of disclosure;
vi. Periodically printing and reviewing the fax transmission log to verify destinations and number of pages transmitted; and
vii. Regularly reviewing the Epic fax transmission report.

4. Misdirected Faxes

a. In the event that a fax is misdirected, the sender shall make every attempt to correct the event.
b. Actions to correct the event shall include, at a minimum:
   i. Contacting and instructing the recipient to return or properly destroy the information;
   ii. Reporting the event to the UF Privacy Office, including a copy of the faxed materials that were misdirected;
   iii. Removing any incorrect fax information (i.e. deleting an incorrect pre-programmed fax number).
c. Misdirected faxes that originate from within UF, but are received by someone outside of UF (private businesses, personal home faxes, etc.), are usually discovered when they are reported by the recipients. Always ask that the materials received in error be either destroyed or mailed back to UF, if the recipient is willing. Complete a Privacy Incident Report for these errors and include a copy of the faxed materials that were misdirected.

5. Fax Logs

a. UF health care entities shall maintain a record of disclosure when faxing PHI to an external use recipient.
b. Fax logs shall include, at a minimum, the number of pages sent, type of information sent, and date of transmission, sender and recipient information.
c. Fax logs may be either generated by the fax machine or the Epic fax transmission report. In addition, departments may maintain a combination record of disclosure and fax log.

REFERENCES

1. HIPAA: 45 CFR §164.306(a) Security standards: General rules, §164.312 Technical Safeguards, §164.502(b) Minimum Necessary
EXHIBITS

1. Disclosure Forms *Sample Fax Cover Sheet* at, [http://privacy.ufl.edu/uf-health-privacy/forms/](http://privacy.ufl.edu/uf-health-privacy/forms/).

2. Incident and Complaint Forms: *Incident Report – Protected Health Information*