



SALISH BHO

HIPAA, 42 CFR PART 2, AND MEDICAID COMPLIANCE STANDARDS POLICIES AND PROCEDURES

Policy Name: USE OF FAX MACHINES

Policy Number: 5.13

Reference: 45 CFR Parts 160, 162 and 164; 42 CFR Part 2

Effective Date: 5/2005

Revision Date(s): 5/2016

Reviewed Date: 12/2014; 5/2016; 6/2017; 5/2018

Approved by: SBHO Executive Board

PURPOSE

The Salish Behavioral Health Organization (SBHO) has adopted this Fax policy to comply with 42 CFR Part 2, Health Insurance Portability and Accountability Act (HIPAA) and the draft regulations requirement for such a policy, as well as our duty to protect the confidentiality and integrity of confidential health information as required by law, professional ethics, and accreditation requirements.

PROCEDURE

Assumptions

1. Often SBHO personnel or organizations with which SBHO does business will have a real or a perceived need to transmit or receive confidential health information by fax rather than by a slower method, such as mail.
2. Personnel could, in error, send faxes to unauthorized recipients; faxes could be intercepted or lost in transmission; or SBHO may not receive a fax intended for it because of one of these or other reasons.
3. Thus, the potential for breach of individual confidentiality exists every time someone transmits information via fax.

Standards

All personnel must strictly observe the following standards relating to facsimile communications of individual health records:

1. SBHO employees will send health information by facsimile only when the original record or mail-delivered copies will not meet the needs of immediate individual care.
2. Personnel may transmit health records by facsimile only when urgently needed for individual care or required by a third-party payer for ongoing certification of payment for a hospitalized individual.

3. Personnel must limit information transmitted to that which is necessary to meet the requester's needs.
4. Personnel may not send by fax especially sensitive health information, including, but not limited to, AIDS/HIV information, behavioral health and developmental disability information, alcohol and drug abuse information, and other sexually transmissible disease information without the express authorization of the Privacy Officer.
5. The cover page accompanying the facsimile transmission must include the confidentiality notice shown at the bottom of this policy.
6. Personnel must make reasonable efforts to ensure that they send the facsimile transmission to the correct destination. Personnel must preprogram frequently used numbers into the machine to prevent misdialing errors. For a new recipient, the sender must verify the fax number before sending the facsimile and verify the recipient's authority to receive confidential information.
7. Fax machines must be in secure areas, and the department director is responsible for limiting access to them.
8. Each department is responsible for ensuring that incoming faxes are properly handled, not left sitting on or near the machine, but rather are distributed to the proper recipient expeditiously while protecting confidentiality during distribution, as by sealing the fax in an envelope.
9. Personnel must report any misdirected faxes to the Privacy Officer.
10. The Privacy Officer will periodically and/or randomly check all speed-dial numbers to ensure their currency, validity, accuracy, and authorization to receive confidential information.
11. Users must immediately report violations of this policy to their supervisor or the Privacy Officer.

Enforcement

All supervisors are responsible for enforcing this policy. Employees who violate this policy are subject to discipline in accordance with the Kitsap County's personnel policies.

Fax Confidentiality Notice

The following Confidentiality Notice is to be included on all fax cover pages:

The information in this fax is confidential and is legally privileged. It is intended solely for the addressee. Access to this fax by anyone else is unauthorized and may lead to civil and/or criminal penalties. If you have received this message in error, please delete all electronic copies of this message (and the documents attached to it, if any); destroy any hard copies you may have created; and notify the Salish Behavioral Health Organization (SBHO) immediately at (360) 337-7050 or 800-525-5637.

MONITORING

This policy is a mandate by contract and statute.

1. This policy will be monitored through use of SBHO:

- Annual SBHO Provider and Subcontractor Administrative Review
 - SBHO QUIC oversight activities
2. If a provider performs below expected standards during the review listed above, a Corrective Action will be required for SBHO approval. Reference SBHO Corrective Action Plan policy.