

**UNIVERSITY OF MAINE SYSTEM  
HIPAA POLICY #16  
DISCLOSURES TO FAMILY MEMBERS**

**I. General Rule**

Except as otherwise provided in UMS HIPAA Policies regarding Psychotherapy Notes, HIV and Substance Abuse Information, a Health Care Component may, in accordance with paragraphs (A) or (B) below, 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 for that care, unless expressly prohibited by the individual or the personal representative.

A Health Care Component may, in accordance with paragraphs (A), (B) or (C) below, use or disclose PHI to notify or assist in notifying a family member, other relative, or a close personal friend of the individual, or any other person identified by the individual, of the individual of a brief confirmation of the individual's general health status, unless expressly prohibited by the individual or the personal representative.

A. If the individual is present or otherwise available prior to the use or disclosure permitted above and has the capacity to make health care decisions, the Health Care Component may use or disclose the PHI if it obtains the individual's agreement, it provides the individual with the opportunity to object and the individual does not express an objection, or it reasonably infers from the circumstances based on the exercise of professional judgment that the individual does not object.

B. If the individual is not present or the opportunity to object cannot practicably be provided because of incapacity or emergency, the Health Care Component may disclose only the PHI directly relevant to such person's involvement with the individual's care if the Health Care Component has determined that the disclosure is in the individual's best interest. A Health Care Component may use its professional judgment and its experience with common practice 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, and other similar forms of PHI.

C. A Health Care Component may use or disclose to emergency services, health care and relief agencies, a brief confirmation of the individual's health status for the purpose of coordinating with such entities uses or disclosures of PHI to notify or assist in notifying a family or household member of the individual. The requirements of (A) and (B) apply to such uses and disclosures to the extent the Health Care Component determines they do not interfere with the ability to respond to the emergency circumstances.

If the individual is deceased, a covered entity may disclose to a family member, or other persons identified above, who were involved in the individual's care or payment for health care prior to the individual's death, protected health information of the individual that is relevant to such person's involvement, unless doing so is inconsistent with any prior expressed preference of the individual that is known to the covered entity.

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