



*Issuing Department:* Internal Audit, Compliance, and Enterprise Risk Management

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## **Use and Disclosure of PHI in the Patient Directory**

### **Policy**

Pursuant to the NYU Langone Health Notice of Privacy Practices, limited patient information is included in the Patient Directory. This means that NYU Langone Health may disclose Patient Directory information to persons who ask for the patient by name and to members of the Chaplaincy Services Department, unless a patient declines to be listed or as otherwise stated in this Policy.

The information in the Patient Directory consists of a patient's name, room, and bed number. All patients have the opportunity to decline to be listed. If a patient declines, the decision must be documented clearly in the patient's medical record using the appropriate form.

This Policy applies to inpatient admissions, interventional procedures at Article 28 spaces, and Emergency Departments, and is not applicable for non-hospital outpatient (e.g., Faculty Group Practice) office visits.

### **Procedure**

1. Upon admission into the Hospital or Emergency Department or registration into an interventional procedure in Article 28 outpatient space, admitting staff will provide the patient with the *Patient Directory Opt-Out* form.
  - In limited circumstances, such as in the case of a patient safety or increased privacy risk, a patient may verbally opt-out of the Patient Directory. As soon as possible thereafter, Patient Access will seek completion of the form.
2. Admitting Workforce Members are responsible for scanning the completed form or entering the information into the patient's medical record.
3. Workforce Members must refer all requests for Patient Directory information to the departments that are authorized and trained to provide Patient Directory information.
4. The patient has the right to change his or her decision to be listed in the Patient Directory at any time by notifying the Patient Access (Admitting) Department via email to [regcorrect@nyulangone.org](mailto:regcorrect@nyulangone.org) or by phone at 212-263-5005 for NYU Langone Health main

campus (i.e., Tisch, Kimmel, Orthopedic Hospital), at 718-630-6233 for NYU Langone Hospital-Brooklyn, or at 516-663-2526 for NYU Winthrop Hospital.

### Emergency Circumstances

In some cases, it may not be possible to allow the patient the opportunity to opt-out of the Patient Directory because the patient is incapacitated or in need of emergency treatment when they arrive at the hospital. This may occur, for example, if the patient is unconscious when first brought to the Emergency Department. It may also occur if the patient is conscious and capable of making a decision, but is so seriously injured that asking permission to include his or her information in the Patient Directory would delay treatment in a way that would jeopardize the patient's health. In such emergency situations, the patient's name, room, and bed number may be disclosed to persons who ask for the patient by name if a hospital staff member responsible for the patient's care determines that disclosure is in the patient's best interest and is consistent with any prior information NYU Langone Health has about the patient's preferences.

- In some cases, it will not be appropriate to disclose certain pieces of information (such as the patient's location in the hospital), in order to protect the patient's interests.
- When deciding what information, if any, may be disclosed, the following factors should be considered:
  - whether disclosing that the patient is in the hospital could cause harm or danger to the patient (e.g. disclosing information to a potential attacker).
  - whether disclosing a patient's location within the hospital would give information about the patient's condition (for example, if the room number revealed that the patient was in a psychiatric ward).
  - whether it is necessary or appropriate to give information about the patient's status to family or friends (for example, if necessary to find out if the patient's family know more about his or her condition or prior history because the patient is unconscious).
  - whether the patient has previously expressed a preference about how information should be used in the Patient Directory.

If the patient's Personal Representative has not completed the registration process on behalf of the patient while incapacitated or during an emergency, as soon as possible after the patient's incapacity or emergency treatment is over, the procedures described above for ordinary circumstances must be followed. The patient (or Personal Representative) must be informed of this policy and given an opportunity to decline to be listed in the Patient Directory.

### Inpatient Psychiatric Unit Admissions

Admissions to the inpatient psychiatric unit on HCC-10 (Tisch Hospital) and 5D (NYU Langone Hospital-Brooklyn) are not subject to the Patient Directory opt-out. In order to further protect patient privacy and given that location on the floor could indicate sensitive treatment, NYU Langone Health has taken the position to automatically opt-out all patients admitted to an inpatient psychiatric unit (e.g., HCC-10, 5D) from the Patient Directory. Patients are permitted to opt into the Patient Directory by completing the HCC-10/5D *Patient Directory Opt-In* form during the admission process.

**Related Documents**

General Uses and Disclosures of PHI

HCC-10/5D Patient Directory Opt-In form

HIPAA Privacy Policies, Procedures, and Documentation

HIPAA Privacy Policies and Procedures Definitions

Patient Directory Opt-Out form

**Legal Reference**

45 C.F.R. §164.510(a)

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This version supersedes all NYU Langone Health (as defined in this Policy) previous policies, including but not limited to NYU Hospitals Center, New York University School of Medicine, Lutheran Medical Center, and Winthrop University Hospital.