

Medical Facility Directory: Use and Disclosure

October 2024

I. Supporting Policies for this Information Paper

- A. The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule (45 CFR 164.510(a)) sets forth the requirements for any covered entity that maintains a medical facility directory.
- B. The DoD Manual 6025.18 Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule in DoD Health Care Programs implements that part of the HIPAA Privacy Rule relating to this issue by establishing requirements for any medical facility directory maintained by military treatment facilities (MTFs).

II. Definitions Associated with Uses and Disclosures of PHI for Medical Facility Directories

- A. **Covered Entity:** A health plan or a healthcare provider within the Military Health System (MHS) that transmits any health information in electronic form to carry out financial or administrative activities related to healthcare.
- B. **Disclosure:** The release, transfer, provision of access to, or revealing in any other manner of PHI outside the entity holding the information of covered individual.
- C. **Military Health System (MHS):** All DoD health plans and all DoD healthcare providers that are, in the case of institutional providers, organized under the management authority of, or in the case of covered individual providers, assigned to or employed by DHA, the Coast Guard, the Army, the Navy, or the Air Force.
- D. **Use:** With respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information.

III. Guidance for Using and Disclosing PHI for Medical Facility Directories

- (1) Except when an objection is expressed a covered health care provider may:
 - A. Use the following PHI to maintain a directory of individuals in its facility:
 - 1. The individual's name.

2. The individual's location in the covered health care provider's facility.
 3. The individual's condition described in general terms, that do not communicate specific medical information about the individual, such as "stable", "good", "fair", "serious", "critical", "conscious", "semiconscious", and "unconscious."
 4. The individual's religious affiliation for use by members of clergy.
- B. Use PHI for directory purposes or disclose for same purposes to:
1. Members of the clergy.
 2. Except for religious affiliation, to other persons who ask for the individual by name.

(2) A covered health care provider must give an individual the opportunity to restrict or prohibit some or all of the uses or disclosures. If an individual objects, that objection must be documented by the DoD covered entity and will remain valid for the duration of that episode of care.

(3) Emergency Circumstances.

A. A covered health care provider may use or disclose some or all of an individual's PHI when an individual is incapacitated, or emergency treatment is required. Disclosure of PHI is permitted for the facility's directory if such disclosure is:

1. Consistent with a prior expressed preference of the individual, if any, that is known to the covered health care provider.
2. In the individual's best interest as determined by the covered health care provider, in the exercise of professional judgment.

B. The covered health care provider must inform the individual and provide an opportunity to object to uses or disclosures for directory purposes when it becomes practicable to do so.

If you have any questions about any of the information above, please contact the DHA PCLO at:
dha.ncr.pcl.mbx.hipaa-compliance-inquiries@health.mil