

# **USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR RESEARCH**

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## **PURPOSE:**

To ensure that Generations Family Practice complies with state and federal laws addressing the use of confidential protected health information for research.

## **POLICY:**

1. Generations Family Practice may use or disclose protected health information for research, regardless of the source of funding, provided that appropriate approval, if required, has been obtained from Generations Family Practice's Institutional Review Board ("IRB").
2. In the absence of IRB approval, Generations Family Practice may use or disclose protected health information for research if:
  - a. A proper authorization from the individual has been received; or
  - b. The information is de-identified, or constitutes a limited data set, so that the patient's identity cannot be determined.
3. Generations Family Practice may use or disclose protected health information in order to prepare for a research study if Generations Family Practice obtains from the researcher written representations that:
  - a. Use or disclosure is sought solely to review protected health information as necessary to prepare a research protocol or for similar purposes preparatory to research;
  - b. The researcher will not remove any protected health information from Generations Family Practice's premises during the course of the review; and
  - c. The protected health information sought is necessary for the research purposes.
4. Generations Family Practice may use or disclose protected health information of a deceased patient without the authorization of the patient or the patient's representative, an IRB waiver, or the use of a limited data set if:
  - a. more than 50 years have passed since each decedent's death; or
  - b. Generations Family Practice obtains from the researcher written representations that:
    - i. The use or disclosure sought is solely for research on the protected health information of decedents;
    - ii. The protected health information sought is necessary for the research purposes; and
    - iii. If Generations Family Practice so requests, documentation of the death of the patient(s) for whom protected health information is sought.

**ENFORCEMENT:**

Violation of patient confidentiality policies will be grounds for disciplinary action, up to and including termination. In addition, persons violating patient confidentiality practices may be subject to civil and criminal liability under applicable law.

**APPROVED FORMS:**

Form, Authorization for Use/Disclosure of Protected Health Information