



## **Faxing PHI**

### **Background**

The U.S. healthcare system is highly fragmented with healthcare services delivered by millions of different healthcare providers. As a result, we often need to quickly communicate complex and sensitive health information with providers and other third parties in order to provide or coordinate services for our members and patients.

The HIPAA Privacy Rule permits covered entities like Molina Healthcare and your office, to disclose protected health information (PHI) to health care providers for treatment, payment and healthcare operations purposes. This can be done by fax or by other means. Covered entities must have in place reasonable and appropriate administrative, technical, and physical safeguards to protect the privacy of PHI that is disclosed using a fax machine.

Molina Healthcare employees and other workforce members must use a high standard of diligence and care when transmitting or receiving PHI via fax.

### **Faxing PHI – Standards & Guidelines**

Fax machines used to transmit PHI should always be located in a secure area to ensure that faxes containing PHI can only be read by authorized personnel. Open reception areas or other non-secure locations are not appropriate for sending or receiving faxes containing PHI or other confidential information.

### **Procedures for Sending PHI via Fax**

#### **1. Use Cover Sheets**

Faxes should generally be accompanied by a standardized cover sheet containing the name and title of both the sender and the intended recipient, along with a notation indicating the total number of pages faxed. The cover sheet and/or first page of the fax should also include an approved Confidentiality Statement. The Confidentiality Statement should also provide instructions for the recipient to follow when a fax is received in error.

#### **2. Disclose only the Minimum Necessary PHI**

Although high regard should be paid to the security of all documents transmitted by fax, extra precautions must be taken when faxing PHI. When PHI is involved, staff must only disclose the “minimum necessary” PHI required to accomplish the task. For example, in most cases, Social Security numbers are not required to process information regarding our members.

#### **3. Verify the Fax Number before dialing**

If using a list of fax numbers, they should be regularly checked to ensure currency. Likewise, where numbers that have been pre-programmed into a fax machine are used, these numbers should also be regularly checked (at least every 6 months) for accuracy. In some

cases, the recipient's fax number may be unclear due to illegible handwriting. Where there is any doubt concerning the accuracy of the listed fax number, the person sending the outgoing fax should verbally verify that the number is correct by confirming the number with a person in the office of the recipient. Taking this step will help to ensure that the fax transmission arrives at its intended destination.

#### **4. Check accuracy of Fax Number entered**

Once the intended recipient's fax number has been verified, steps must be taken to ensure that this fax number corresponds with the number that is actually dialed. The destination fax number should be confirmed by checking the number displayed on the screen before transmitting the fax.

#### **5. Check Confirmation and Activity Reports**

The sender of the fax should confirm the success of the transmission by checking the fax activity confirmation report after the fax has been sent.

### **Procedures for Receiving Faxes**

When receiving PHI via fax, appropriate safeguards must be taken to protect the confidentiality of the information.

- PHI fax transmissions should be immediately removed from the fax machine and delivered to the intended recipient.
- Any PHI fax transmission received in error should be destroyed by shredding or other approved methods, and the sender immediately informed.

### **Reporting Misdirected Faxes**

Under the HITECH Act, providers must notify members and patients whose PHI is impermissibly disclosed. Molina Healthcare must also notify the Secretary of Health and Human Services and State Medicaid agencies. As a result, providers must promptly report any suspected or known privacy incidents to Molina Healthcare's Privacy Official. This will help ensure that appropriate measures are taken to contain the breach and limit any impact it might have on our members, your office and Molina Healthcare.

***Remember, the privacy of our members and patients is a paramount concern of Molina Healthcare and its stakeholders and is critical to the continued success of both of our organizations.***

### **Questions**

If you have questions regarding guidelines for faxing PHI, please contact your Compliance Director or Molina Healthcare's Privacy Official at:

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