Title: Personal Representatives

Type: Privacy

Number: RENOWN.CCD.777

Author(s): Drew Williamsen, Manager of Compliance

Owner: Renown Health VP Chief Compliance and Privacy Officer

Scope:
Accountable Care Organization; Administrative & Business Offices; Ambulatory; Behavioral Health; Breast Health Center; Center for Advanced Medicine B; Center for Advanced Medicine C; foundation; Healthcare Center; Home Health; Hometown Health; Hospice; Hyperbaric; Laboratory; Medical Group; Monaco Ridge; Pregnancy Center; Regional Medical Center; Rehabilitation Hospital; Skilled Nursing; South Meadows Medical Center; Surgical Arts; Therapies; Urgent Care; Wound Care; X-ray & Imaging

Policy Statement:
Renown Health will allow, as permitted by law, representatives of patients access to Protected Health Information under certain circumstances. The following are the categories of patients of which the access will be allowed:
- Adults and Emancipated Minors
- Unemancipated Minors
- Deceased individuals
- Abuse, Neglect, Endangerment Situations.

Definition of Terms:
1. Loco Parentis – In the place of a parent.
2. Emancipated Minor – A minor is freed from control by his or her parents or guardians, and the parents or guardians are freed from any and all responsibility toward the child.

Procedure:
1. Adults and emancipated minors. If under applicable law a person has authority to act on behalf of an individual who is an adult or an emancipated minor in making decisions related to health care, Renown Health must treat such person as a personal representative under this policy, with respect to protected health information relevant to such personal representation.

2. Unemancipated minors. If under applicable law a parent, guardian, or other person acting in loco parentis has authority to act on behalf of an individual who is an unemancipated minor in making decisions related to health care, Renown Health must treat such person as a personal representative under this Policy, with respect to protected health information relevant to such personal representation.
health information relevant to such personal representation, except that such person may not be a personal representative of an unemancipated minor, and the minor has the authority to act as an individual, with respect to protected health information pertaining to a health care service, if:

a. The minor consents to such health care service; no other consent to such health care service is required by law, regardless of whether the consent of another person has also been obtained; and the minor has not requested that such person be treated as the personal representative;

b. The minor may lawfully obtain such health care service without the consent of a parent, guardian, or other person acting in loco parentis, and the minor, a court, or another person authorized by law consents to such health care service; or

c. A parent, guardian, or other person acting in loco parentis assents to an agreement of confidentiality between a covered health care provider and the minor with respect to such health care service.

3. Considering the provisions of paragraph 2 of this policy:

a. If, and to the extent, permitted or required by an applicable provision of State or other law, including applicable case law, Renown Health may disclose, or provide access in accordance with 45 CFR§164.524 Access of Individuals to PHI, to, protected health information about an unemancipated minor to a parent, guardian, or other person acting in loco parentis;

b. If, and to the extent, prohibited by an applicable provision of State or other law, including applicable case law, Renown Health may not disclose, or provide access in accordance with §164.524 to, protected health information about an unemancipated minor to a parent, guardian, or other person acting in loco parentis; and

c. Where the parent, guardian, or other person acting in loco parentis, is not the personal representative under paragraphs (2)(a), (b), or (c) of this policy and where there is no applicable access provision under State or other law, including case law, Renown Health may provide or deny access under §164.524 Access of Individuals to PHI, to a parent, guardian, or other person acting in loco parentis, if such action is consistent with State or other applicable law, provided that such decision must be made by a licensed health care professional, in the exercise of professional judgment.

4. Deceased individuals. If under applicable law an executor, administrator, or other person has authority to act on behalf of a deceased individual or of the individual's estate, Renown Health must treat such person as a personal representative under this policy, with respect to protected health information relevant to such personal representation.

5. Abuse, neglect, endangerment situations. Notwithstanding a State law or any requirement of this paragraph to the contrary, Renown Health may elect not to treat a person as the personal representative of an individual if:

   (i) Renown Health has a reasonable belief that:
       1. The individual has been or may be subjected to domestic violence, abuse, or neglect by such person; or
2. Treating such person as the personal representative could endanger the individual; and
   (ii) Renown Health, in the exercise of professional judgment, decides that it is not in the best interest of the individual to treat the person as the individual's personal representative.

<table>
<thead>
<tr>
<th>References/Regulations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 CFR §§164.502(g)(1) – (g)(5)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contributors:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brian Colonna, HIPAA Privacy Coordinator</td>
</tr>
</tbody>
</table>