PROCEDURE STATEMENT:
Health Quest Systems, Inc. and its affiliates (“HQ”) have a fax process in place that allows for this method of transmission of protected health information (“PHI”) as long as specified safeguards are in place to ensure confidentiality and protection of the information.

PROCEDURE:
A. Sending Faxes

HQ Workforce Members shall transmit PHI by fax only when the transmission is time-sensitive and when immediate patient care would be affected. Workforce Members must take reasonable steps to ensure that a fax transmission is sent to and received by the intended recipient. When the fax transmission includes PHI, "reasonable steps" include, but are not limited to, the following:

1. Confirm the fax number with the intended recipient. Verify all fax numbers provided by patients, physicians, or other third parties before transmitting a fax.

2. Confirm with the intended recipient that the receiving fax machine is located in a secure area or that the intended recipient is waiting by the fax machine to receive the transmission.

3. Confirm the fax machine is programmed to print both a confirmation page upon completed transmission, as well as a notification should the fax not be successfully transmitted. This will enable the sender to determine if the fax was sent and received in its entirety.

4. Fax machines will be pre-programmed with the fax numbers of those recipients to whom patient information is frequently sent in order to minimize errors. Pre-programmed fax numbers will be tested frequently to confirm they are still valid.

5. When a fax number is entered manually (because it is not one of the preprogrammed numbers) the sender entering the number will visually check the recipient's fax number on the fax machine prior to starting the transmission.
6. Employees must use Health Quest’s standard fax cover sheet, which is found on dimensions, that contains the following statement:

    **Confidential under NYS Public Health Law 2805-M and/or Education Law 6527(3)** The document(s) accompanying this fax may contain confidential information. It is intended only for the use of the individual to whom it is addressed and may contain information that is privileged and confidential. Federal and State Law prohibit the use or re-disclosure of this information by anyone other than the person listed above.

    If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this teledoced information, except its direct delivery to the intended recipient named above, is strictly prohibited. If you have received this fax in error, please notify us immediately at the telephone number listed above to arrange for the return of the documents to us.

7. The name, business affiliation, department, telephone number and fax number of the intended recipient and the sender, as well as the number of pages contained in the transmission, along with a detailed listing of information contained should be entered on the cover sheet.

8. If the requestor has requested information for more than one patient, a separate fax transmission complete with its own Health Quest standard fax cover sheet, shall be sent for each patient’s information. As an example, Dr. Smith requests records to be faxed for patient Mary Jones and Joe Johnson. One fax transmission, with a completed cover sheet, will be sent to Dr. Smith for patient Mary Jones and a second fax transmission, with a completed cover sheet, will be sent to Dr. Smith for patient Joe Johnson.

9. Fax confirmation sheets will be checked immediately or as soon as possible after the fax has been transmitted, to confirm the material was faxed to the intended fax number and that the correct number of pages was transmitted. If the intended recipient notifies the sender that the fax was not received, the sender will use best efforts to determine whether the fax was inadvertently transmitted to another fax number by checking the fax confirmation sheet and/or the fax machine's internal logging system.

10. If a Workforce Member becomes aware that a fax was sent to the wrong fax number, the individual shall immediately attempt to contact the recipient by fax or
telephone and request that the faxed documents, and any copies of them, be immediately returned to the Health Quest affiliate or destroyed. The employee's supervisor and Privacy Officer or designee will also be notified of the misdirected fax.

11. Those recipients who regularly receive patient information via fax will be periodically reminded to notify the Health Quest affiliate of any change to the recipient's fax number.

12. If faxed from the Health Information Management Department (“HIM”) the fax cover sheet and confirmation sheets will be attached to the faxed documents and maintained. If faxed from outside of the HIM, the department is to maintain a record which includes the fax cover sheet and confirmation. Information sent directly from an electronic/computer system that maintains an internal log of all faxes sent is not required to be printed and maintained.

13. Workforce Members who routinely send faxes containing patient information to other individuals or organizations will promptly advise those entities of any changes to their fax number.

14. Sensitive Protective Health Information such as HIV/AIDS results, substance abuse and mental health treatment records should not be sent by fax, if possible.

15. When faxing patient information, Workforce members must comply with all other Health Quest privacy policies.

B. Receiving Faxes

Workforce Members who are intended recipients of faxes that contain patient information shall take reasonable steps to minimize the possibility those faxes are viewed or received by someone else. These "reasonable steps" include, but are not limited to, the following:

1. Fax machines that receive faxes that include PHI must be located in Secure Areas defined as a location that is not accessible to the general public. If an Workforce Member receives a fax containing PHI on a fax machine that is not in a Secure Area, the recipient of the fax will promptly advise the sender that the receiving fax machine should not be used for the transmission of such information.

2. Fax machines will be checked on a regular basis to minimize the amount of time incoming faxes that contain PHI are left on the machines. Workforce Members who
monitor the fax machines, or those who sees such a fax on the machine, will promptly remove incoming faxes and deliver them to the proper person.

3. If a Workforce Member receives a fax addressed to someone other than themselves and the person to whom the fax is addressed is someone at Health Quest, the recipient shall promptly notify the individual to whom the fax was addressed and deliver or make arrangements to deliver the misdirected fax as directed by the sender.

4. All faxes received must be confirmed to have been transmitted to the proper recipient and that all pages have been received. If there is no cover sheet or the number of pages sent is not indicated, the recipient must call the sender to verify that the correct and complete information has been received.

5. If a Workforce Member receives a fax addressed to someone other than themselves and the person to whom the fax is addressed is NOT affiliated with Health Quest, the recipient will promptly notify the sender and destroy or return the faxed material as directed by the sender.

6. Workforce Members who receive faxes that contain Sensitive Protected Health Information (such as HIV/AIDS results or status or substance abuse and mental health treatment records) will promptly advise the senders of such faxes that it is the policy of Health Quest not to accept transmissions of Sensitive Protected Health Information by fax.

7. Connecticut ("CT") Law requires that the information that is breached or misdirected be unrecognizable/unreadable prior to its destruction no matter the format.

DEFINITIONS:
See HIPAA Glossary

REFERENCES:
45 CFR§164.508 Uses and Disclosures
45 CFR§164.530(c) Safeguards
HQ 5.2.19 Fax Policy
Connecticut Law: Senate Bill 949 – Act Improving Data Security and Agency Effectiveness

POLICY HISTORY:
Supersedes: 2/13/2019