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|  | Ethics & Compliance Department | |
| | Policy No.: 9 | Created: 01/2018 |
| | | Reviewed: 09/2024 |
| | Revised: | |

HIPAA: DISCLOSING PROTECTED HEALTH INFORMATION FOR WHICH AN AUTHORIZATION OR OPPORTUNITY TO AGREE OR OBJECT IS NOT REQUIRED

SCOPE:

All Envision Healthcare teammates. For purposes of this policy, all references to “teammate” or “teammates” include temporary, part-time and full-time employees, independent contractors, clinicians, officers and directors.

PURPOSE:

Envision Healthcare Operating, Inc. and its subsidiaries and affiliates (“Envision” or “the Company”) has adopted this Disclosing Protected Health Information for which an Authorization to Agree or Object is Not Required policy to provide teammates with guidance regarding allowable uses and disclosures of protected health information (“PHI”) without a patient’s authorization or without the patient’s agreement or objection.

POLICY:

Disclosures for Public Health Activities

PHI may be disclosed to a public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions. “Public health authority” means a federal, state, or local agency, or any person or entity acting under a grant of authority from such public agency that is responsible for public health matters as part of its official mandate.

PHI may be disclosed to a public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect.

PHI may be disclosed to persons responsible for an FDA-regulated product or activity, for purposes related to the quality, safety, or effectiveness of the FDA-regulated product or activity. Such purposes include the following:

- A) To collect or report adverse events (or similar activities with respect to food or dietary supplements), product defects or problems (including problems with the use or labeling of a product), or biological product deviations;

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|---|---|--------------------------|
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- B) To track FDA-regulated products;
- C) To enable product recalls, repairs, or replacement, or look-back activities (including locating and notifying individuals who have received products that have been recalled, withdrawn, or are the subject of look-back activities); or
- D) To conduct post-marketing surveillance.

To the extent allowed by state law, PHI may be disclosed to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition. Except in an emergency, it is preferable to notify the appropriate public health authority, which will then be responsible for notifying the person who may have been exposed.

PHI may be disclosed to the patient’s employer in order to allow the employer to comply with federal or state laws, including OSHA, that require reports of work-related illnesses or injuries. Information may be disclosed to the employer even without the patient’s written authorization as long as all the following requirements are met:

- A) At the request of the employer, the Company provided the patient with an evaluation relating to medical surveillance of the workplace (as required by OSHA and other state and federal agencies) or to evaluate whether the patient suffered a work-related illness or injury;
- B) The PHI disclosed to the employer consists of findings concerning the patient’s work-related illness or injury or a workplace-related medical surveillance;
- C) The Company obtains written certification from the employer containing the following or similar wording: “Employer certifies that it needs the disclosed health information to comply with its obligations regarding workplace and occupational safety, as set forth in 29 CFR parts 1904 through 1928, 30 CFR parts 50 through 90, or under state law having a similar purpose, to record such illness or injury or to carry out responsibilities for workplace medical surveillance;” and
- D) The Company provides the patient with written notice that the findings will be disclosed to the patient’s employer.

Treatment of Health Records of Deceased Patients

The Company may, under certain circumstances, disclose the PHI of deceased patients. The health information of a deceased patient is subject to the same privacy protections as the health information of living patients until the person has been deceased for fifty (50) years. After fifty (50) years, it is NOT considered PHI.

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|---|---|--------------------------|
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The executor or administrator of the patient’s estate has the right to exercise the privacy rights of the patient. This includes the right to inspect and obtain copies of the patient’s health records, request amendments, and obtain an accounting of disclosures.

To the extent allowed by applicable state laws, a deceased patient’s health information may be disclosed as follows:

- A) To medical examiners or coroners for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law.
- B) To funeral directors as necessary to carry out their duties with respect to the decedent.
- C) To organ procurement agencies for the purpose of facilitating organ, eye, or tissue donation and transplantation, provided that such disclosure was authorized by the patient, the patient’s personal representative, or is otherwise required or authorized by law.
- D) To authorized officials or agencies carrying out public health activities, health oversight, law enforcement, research, or other purposes for which an authorization is not required, provided that the disclosure complies with the applicable requirements of the Company’s separate policies regarding such disclosures.

Specialized Government Functions

- A) The Company may use and disclose the PHI of patients who are Armed Forces personnel for activities deemed necessary by appropriate military command authorities to assure the proper execution of the military mission, as permitted by the Armed Forces under a published notice in the Federal Register, which includes the appropriate military command authorities and the purposes for which the PHI may be used or disclosed.
- B) The Company may disclose PHI to authorized federal officials for the conduct of lawful intelligence, counterintelligence, and other national security activities authorized by the National Security Act (50 U.S.C. §401, *et seq.*) and implementing authority (e.g., Executive Order 12333).
- C) The Company may disclose PHI to authorized federal officials for the provision of protective services to the President or other persons authorized by 18 U.S.C. §3056, or to foreign heads of state or other persons authorized by 22 U.S.C. §2709(a)(3), or to for the conduct of investigations authorized by 18 U.S.C. §871 and §879.

Minimum Necessary Disclosures

All disclosures made under this policy must be limited to the minimum amount necessary to carry out the purpose of the disclosure.

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|---|---|--------------------------|
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Logging of Disclosure

All disclosures for purposes other than for treatment, payment, health care operations, or as authorized by the patient’s personal representative must be logged in accordance with the separate policy regarding accounting of disclosures (*See Policy 33 – Accounting of Disclosures*).

POLICY REVIEW

The Ethics & Compliance Department will review and update this Policy, when necessary, in the normal course of its review of the Company’s Ethics & Compliance Program.