

**UNIVERSITY OF FLORIDA**  
**INFORMATION PRIVACY POLICIES & PROCEDURES**  
**HEALTH INFORMATION OPERATIONAL GUIDELINES**

## I. Verification of Identity and Authority

### A. POLICY

Rev. 06/01/2005

Prior to any disclosure, restriction, amendment, or correction of protected health information (PHI), University of Florida personnel must make reasonable efforts to:

- a) *Verify the identity of any person making requests PHI,*
- b) *Verify the authority of any such person to have access to or to alter uses and disclosures of the information; and*
- c) *Obtain any documentation, statements, or representations, from the person making such requests, to substantiate the claim of authority.*

### B. DEFINITIONS

**Personal Representative:** A person acting and/or speaking on behalf of a patient, who cannot or chooses not to make informed healthcare decisions for themselves.

### C. PRIVACY REQUIREMENTS

**NOTE: Abuse, Neglect, Endangerment Situations:** Notwithstanding a State law or any requirement of the privacy rules to the contrary, UF personnel may exercise professional judgment and elect not to treat a person as a personal representative of a patient if there is a reasonable belief that the patient has been or may be subjected to domestic violence, abuse, or neglect by such person; or that treating such person as the personal representative could endanger the patient.

#### 1. Verification of Identity – Patient or Personal Representative:

- a) *For patients or personal representatives appearing in person, personnel may reasonably rely on documents or statements as meeting the requirements of verification of identity, including, but not limited to:*
  - (1) Personal knowledge of:
    - (a) *A place of business;*
    - (b) *An address;*
    - (c) *A phone or fax number; or*
    - (d) *An individual.*
  - (2) Identification presented by the patient or representative:
    - (a) *Photographic identification card,*
    - (b) *Driver's license,*
    - (c) *Photo ID credit card, or*
    - (d) *Passport*
- b) *For persons calling in by telephone, personnel may reasonably rely on the provision of the patient's date of birth, a part of the patient's Social Security Number, and/or a pre-arranged password or security code, in addition to the patient's name, as meeting the requirements of verification of identity.*

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- 2. Verification of Authority - Personal Representatives:** If the person making requests regarding PHI is not the patient, UF personnel may reasonably rely on the following documentation, statements, or representations that the requestor has authority with regard to the patient's PHI:
- a) *Non-emancipated Minors: Natural or adoptive parents, legal custodians, and legal guardians are the personal representatives of persons under the age of 18, and must consent to non-emergent health care for minors.*
  - b) **Exceptions:** *The following are cases in which minors do not need parental consent, and in which the parents would not be entitled to the relevant PHI without the minor's authorization:*
    - (1) Medical examination and testing for STDs (including HIV)
    - (2) Voluntary admission into a substance abuse facility
    - (3) Blood donations
    - (4) Emancipated minors
    - (5) Outpatient mental health diagnostic / evaluation services (over age 13)
    - (6) Outpatient crisis intervention therapy / counseling services (over age 13)
  - c) *Emancipated Minors: The following persons under the age of 18 are considered emancipated minors, do not need parental consent for any health care, and therefore their parents or guardians would not be personal representatives:*
    - (1) Unmarried minor females who are pregnant may consent to health care and treatment relating to their pregnancy
    - (2) Unmarried minor females who have a minor child
    - (3) Married minors (including widowed and divorced)
    - (4) Minors emancipated by court order
    - (5) Minors enlisted in military service
  - d) *Incapacitated Adults: Persons over the age of 18 who have been deemed incompetent by a court, or have been determined by an attending physician to be incapable of making informed health care decisions: Either situation must be documented in the patient's health record. Legal representatives include:*
    - (1) Court-appointed Guardian
    - (2) Durable Power of Attorney (DPOA): Appointed by the patient, with authority defined. Read the DPOA to determine authority to access PHI.
    - (3) Healthcare Surrogate: Appointed by the patient, but usually not effective until the patient is declared mentally or physically incapacitated by a specified number of physicians. Read the document to determine the effective date or event and other relevant criteria.



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- (a) A written statement of the legal authority under which the information is requested; or*
- (b) A properly executed warrant, subpoena, or judicial or administrative order.*

**NOTE: Verification is not required if there is reasonable belief of an imminent threat to the safety of the patient or another individual.**

**D. PROCEDURE**

- 1. Assist** the person making a request regarding PHI to complete the appropriate form for the request:
  - a) Authorization to Use or Disclose Health Information,*
  - b) Request for Special Privacy Restrictions,*
  - c) Request for Amendment of a Health Record, or*
  - d) Request for an Accounting of Disclosures (see Forms).*
- 2. Document**, on the completed form, the verification of the identity and authority of anyone requesting PHI. If there are any doubts, refer to your immediate supervisor.
  - a) If the person is known, document the basis of knowledge of both identity and authority as “known patient”, “long-time patient”, “parent of established patient”, etc., as appropriate.*
  - b) For a personal representative, document proof of status as parent, guardian, executor, administrator, or power of attorney, etc..*
  - c) For public officials, document either:*
    - (1) The presentation of official credentials, a badge or identification card, or*
    - (2) The official’s oral representation: what was said and why it was considered reasonable to rely on it.*
  - d) For law enforcement or legal process, a copy of warrant, subpoena, order, summons, or civil investigation demand must be presented. Refer to your immediate supervisor.*
  - e) For research: refer to your immediate supervisor. (Proper documentation from an Institutional Review Board, other appropriate privacy board, or the researcher relating to research must be presented).*

**E. REFERENCES:**

- 1. HIPAA:** 45 CFR §164.514 (Other Requirements: Verification)
- 2. Florida Statutes:** Chapter 384.29 (Sexually Transmissible Diseases: Confidentiality), Chapter 709.08 (Durable Power of Attorney), Chapter 765 (Health Care Advance Directives)

**F. EXHIBITS None**

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