# County of San Bernardino
# Department of Behavioral Health

## Sending Confidential Information by Facsimile Policy

**Effective Date** 7/91
**Revision Date** 2/1/07

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**Policy**

It is the policy of the Department of Behavioral Health that all information sent by facsimile (fax) is received by the correct party, protected for confidentiality, and is in compliance with the Health Insurance Portability and Accountability Act (HIPAA).

It is also the Department's policy to ensure a valid authorization or release of information is on file before faxing confidential information.

**Purpose**

To inform the Department of Behavioral Health staff of the policy on faxing confidential information and to ensure that staff adheres to the HIPAA security rule standards and safeguards to protect health information that is collected, maintained, used or transmitted electronically.

**HIPAA Security Rule**

The HIPAA security rule establishes standards and safeguards to protect health information that is collected, maintained, used or transmitted electronically.

**Treatment of Sensitive Information**

Great care must be taken to ensure that sensitive information sent by fax reaches the intended receiver and is handled in a confidential manner. This pertains to all incoming health information and outgoing health information (e.g., calling to confirm that the designated contact person is there to receive before information is transmitted).

All fax transmission of sensitive material should have a cover sheet including the following information (see Sample Fax Cover Sheet):

- Name of the facility to receive the facsimile
- Name and telephone number of the person authorized to receive the transmission
- Number of pages being faxed
- A confidentiality statement, notice of disclaimer
- Instruction to authorized recipient to send verification of receipt of

transmittal to the sender or received confirmation receipt

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**Reasons for Faxing Health Information**

Fax machines may be used to transmit confidential information. However, it is recommended that health information be faxed only when there is:

- An urgent need for the health record and mailing the record will cause unnecessary delays in treatment
- Immediate authorization for treatment is required from a primary care physician or third-party case manager

In such cases, information transmitted should be limited to only the information required to satisfy the medical necessary of the requesting party.

When there is no emergency, confidential/medical record information must be sent through normal channels such as regular mail.