

## HIPAA: Use of De-Identified Patient Information in Case Presentations and Published Case Studies

January, 2021

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Faculty and trainees are required to obtain signed patient authorization to use de-identified patient information for purposes such as teaching outside of the clinical setting (presentations, posters or case studies)<sup>1</sup>.

Faculty and trainees use images (histology, radiology, etc.) in case study presentations to colleagues outside of The Ohio State University Wexner Medical Center (OSUWMC) or The James which: (1) involve slide presentations only; (2) include de-identified clinical information such as pathology or radiology images; and (3) involve a limited distribution to conference attendees only.

- **Published Case Studies:**

Faculty and trainees publishing case reports in publications and/or peer-reviewed journals that involve a wide distribution must: (1) **de-identify** the case study; and (2) [obtain signed patient authorization](#)<sup>2</sup> or if the patient is deceased, signed authorization from the executor of the patient's estate, and if no executor, signed authorization from the patient's next of kin; or (3) receive special permission from the Chief Clinical Officer/Chief Medical Officer for the OSUWMC/The James or designee to publish the case report without signed patient authorization.

- **Case Presentations to Peers:**

Faculty and trainees presenting case reports at conferences to clinician peers may use de-identified radiology and pathology images along with limited de-identified clinical history without patient authorization. The de-identified information is not widely distributed such as with case reports published in peer reviewed-journals.

- However, where the case presented is rare and the de-identified information could be used to recognize the patient, faculty and trainees must obtain the patient's authorization.
  - For example, a public figure is in the news for having a rare disease and is well known in the media. Although the details of the public figure's case could be presented in a de-identified manner, the likelihood of re-identification is high and patient authorization must be obtained

Once patient authorization is obtained, the completed form should be scanned into the patient's Electronic Medical Record (EMR) in IHIS.

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<sup>1</sup> [Use of Patient Information by the Hospital and Medical Staff 09-07.09-11](#)

<sup>2</sup> [Release of Patient Information for Media, Educational Purposes, or Case Studies form.](#)

In both situations, all images and text must meet Safe Harbor method of de-identification and therefore, not contain any of the 18 identifiers.

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| 1  | Names  |
| 2  | All geographic subdivisions smaller than a state, including street address, city, county, precinct, ZIP code, and their equivalent geocodes, except for the initial three digits of the ZIP code if, according to the current publicly available data from the Bureau of the Census:<br>(1) The geographic unit formed by combining all ZIP codes with the same three initial digits contains more than 20,000 people; and<br>(2) The initial three digits of a ZIP code for all such geographic units containing 20,000 or fewer people is changed to 000 |
| 3  | All elements of dates (except year) for dates that are directly related to an individual, including birth date, admission date, discharge date, death date, and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older   |
| 4  | Telephone numbers  |
| 5  | Vehicle identifiers and serial numbers, including license plate numbers  |
| 6  | Fax numbers  |
| 7  | Device identifiers and serial numbers  |
| 8  | Email addresses  |
| 9  | Web Universal Resource Locators (URLs)   |
| 10 | Social security numbers  |
| 11 | Internet Protocol (IP) addresses   |
| 12 | Medical record numbers   |
| 13 | Biometric identifiers, including finger and voice prints   |
| 14 | Health plan beneficiary numbers  |
| 15 | Full-face photographs and any comparable images  |
| 16 | Account numbers  |
| 17 | Any other unique identifying number, characteristic, or code, except as permitted by paragraph (c) of this section [Paragraph (c) is presented below in the section "Re-identification"]; and  |
| 18 | Certificate/license numbers  |

*The covered entity does not have actual knowledge that the information could be used alone or in combination with other information to identify an individual who is a subject of the information*

<http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/De-identification/guidance.html>

Please direct any questions to Compliance and Integrity Privacy Office at (614) 293-4477 or PrivacyOffice@osumc.edu.