



Submission ID:
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USF Health Care

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Internal Guideline and Procedure Name:	HIPAA and Same-Sex Marriage		
Responsible Office:	Privacy and Healthcare Civil Rights Compliance Program (PHCR)		
Submitted By:	Barbara Wolodzko	Title:	Privacy Officer

Review/Approvals:	Committee Name and/or CEO Name:	Date Approved:
Oversight Committee <i>(if applicable):</i>		
Sr. Assoc. Vice President, USF Health Chief Operating Officer, USF Health CEO, UMSA	Renee Dubault	
USFHC Finance, EMC or CLB <i>(if applicable):</i>		

OBJECTIVES AND PURPOSES

To comply with the 2013 Supreme Court decision regarding the Defense of Marriage Act in defining terms used in the USF Health HIPAA Privacy Standard Practices and Procedures and in Joint Notice of Privacy Practices and Notice of Organized Health Care Arrangement. See HIPAA Privacy Rule (CFR 45 Subpart E), 45 CFR §160.103 and 45 CFR §164.510(b).

STATEMENT OF INTERNAL GUIDELINES

USF Health recognizes the integral role family members, such as spouses, often play in the patient’s health care. The following terms used in various USF Health HIPAA Privacy Standard Practice and Procedures and in the Joint Notice of Privacy Practices and Notice of Organized Health Care Arrangement are clarified in accordance with guidance from the U.S. Department of Health & Human Services addressing the effect of the 2013 Supreme Court decision regarding the Defense of Marriage Act:

- “Marriage” - includes both same-sex and opposite-sex marriages.
- “Family member” - includes dependents of those marriages regardless of whether they are same-sex or opposite-sex marriages.
- “Spouse” - includes individuals who are in a legally valid same-sex or opposite-sex marriage sanctioned by a state, territory, or foreign jurisdiction (as long as, as to marriages performed in a foreign jurisdiction, a U.S. jurisdiction would also recognize the marriage).

All of these terms shall apply to individuals who are legally married, whether or not they live or receive services in a jurisdiction that recognizes their marriage.

RESPONSIBLE OFFICE: The preceding was developed by the Privacy Officer Privacy and Healthcare Civil Rights Compliance Program (PHCR). Any questions or concerns should be directed to the PHCR at privacy@usf.edu or (813) 974-2222.

Prior approval: Revised for name change and contact updates 02/27/24, COO 07/12/16, AVP 07/06/16, and by USF Health PSAC 12/15/15