



PLUMAS COUNTY, CALIFORNIA

HIPAA RELATED POLICIES AND PROCEDURES

EFFECTIVE APRIL 14, 2003

Disclosures of PHI for Law Enforcement Purposes

Policy: In response to a request from law enforcement, Plumas County may disclose the Minimum Necessary Protected Health Information (PHI) to a Law Enforcement Official under specified circumstances.

Purpose: The Privacy Rule permits, but does not require, covered entities to disclose PHI so that law enforcement functions may continue; the rule does not allow covered entities to **initiate** disclosures, however California has other laws mandating reports of abuse and neglect.

Responsibilities: The Department Head will determine if a disclosure will be made and how much PHI will be disclosed.

Process:

1. Direct all court orders, warrants, subpoenas, summons and other requests by law enforcement to the Department Head. The Department Head, with the assistance of County Counsel, will determine if the request is for a disclosure **required** by law or a disclosure for **law enforcement purposes**. If the request is for a disclosure **required** by law, the Policy for Disclosures Required by Law needs to be followed.
2. The following are the Law Enforcement situations in which HIPAA allows disclosure of the Minimum Necessary PHI:
 - Requests for limited information for identification and location purposes **only** if required by some other federal or state law. California's Confidentiality of Medical Information Act does not have a provision allowing disclosures of PHI for identification or location of suspects, fugitives, missing persons or material witnesses.
 - Requests about victims of a crime when the individual agrees to the disclosure except in cases of suspected abuse, neglect or violence. California laws mandating reports of abuse or neglect of children, elderly persons or victims of domestic violence do not require authorization but do specify the agencies and persons to whom disclosure may be made.
 - Requests by the county coroner about decedents. Requests by other law enforcement officials about decedents require authorization or need to be required by some other federal or state law.

- Reporting a crime committed on the premises; California's Confidentiality of Medical Information Act does not have a provision allowing unauthorized disclosures of PHI for reporting a crime committed on the premises.
 - Reporting a crime in an emergency; California's Confidentiality of Medical Information Act does not have a provision allowing unauthorized disclosures of PHI for reporting a crime in an emergency.
3. Authenticate the identity and authority of the individual or entity requesting the disclosure.
 4. Ensure that no other laws or regulations governing the Department and the confidentiality of information are being violated;
 5. Use professional judgement regarding waiving individual notification, such as for victims of abuse, neglect or domestic violence.

Date Issued: September 2004

Last revision date:

References: CA Civil Code § 56.10; CA Penal Code §11160(a)(b), § 11166 and §11167.5; CA Welfare & Institutions Code § 15630, § 15633 and §15633.5; 45 C.F.R. §§ 164.502(b) & 164.514(d); 45 C.F.R. § 164.501