

PLUMAS COUNTY, CALIFORNIA



HIPAA RELATED POLICIES AND PROCEDURES

EFFECTIVE APRIL 14, 2003

Disclosures of PHI Required by Law

Policy: Plumas County may disclose Protected Health Information (PHI) without an individual's authorization when the disclosure complies with and is limited to the requirements of the law.

Purpose: The Privacy Rule permits, but does not require, covered entities to disclose PHI under specific circumstances so that law enforcement functions may continue.

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

Process:

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:

1. Authenticate the individual or entity requesting the information;
2. Ensure that the use is actually **required** by another law. Required by law includes, but is not limited to, statutes and regulations; court orders, subpoenas and summons; an authorized investigative demand; *Medicare* conditions of participation. If the statute **allows, permits or authorizes** the use or disclosure, the disclosure is **not required** and the Policy for Law Enforcement Purposes needs to be followed;
3. Ensure that the disclosure meets the requirements of the law **and** is limited to the PHI required within the scope of the law. The Minimum Necessary Standard does not apply to disclosures that are **required** by law;
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:

Reference: 45 C.F.R. §§ 164.502(b) & 164.514(d); 45 C.F.R. § 164.501;
CA Civil Code §§ 56.10(b)(1), 56.10 (b)(3), 56.10(b)(6),56.10(b)(9)