

SUBPOENAS, COURT ORDERS, DISCOVERY REQUESTS, OR OTHER LEGAL PROCESSES, AND THE DISCLOSURE OF PROTECTED HEALTH INFORMATION POLICY

RESPONSIBILITY: Designated Attorney or Designee(s)

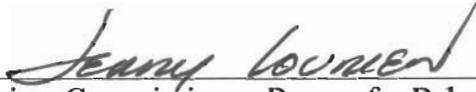
BACKGROUND:

Bureau for Behavioral Health and Health Facilities (BHFF) may disclose certain protected health information in connection with litigation and other legal and administrative proceedings without receiving an authorization from the patient. However, some conditions apply.

POLICY:

1. The following rules apply to situations in which BHFF is requested to disclose protected health information (PHI) in connection with litigation or administrative proceedings without the patient's authorization. **If the legal process is based on a law enforcement activity, this policy does not apply.** See the BHFF policy: DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR LAW ENFORCEMENT PURPOSES.
2. In all instances, PHI will be disclosed in accordance with BHFF policies and procedures regarding copying and transmitting medical records and other protected health information.
3. Court Orders
 - 3.1 BHFF shall release mental health records pursuant to a court order finding the information is sufficiently relevant to a case before the court to outweigh the need to protect this information.
 - 3.2 Only the minimum PHI necessary to comply with the order will be disclosed. The Designated Attorney shall take appropriate legal steps to avoid disclosure of PHI which, in his opinion, is not required to accomplish the purpose for which the order was issued.
4. Subpoenas, Discovery Requests and Other Legal Processes
 - 4.1 Mental health information shall be released in involuntary commitment proceedings or criminal proceedings to determine whether a person is incompetent to stand trial or not guilty by reason of mental illness.
 - 4.2 Non mental health PHI may be released in compliance with federal privacy regulations, 45 CFR § 164.512(e), the Designated Attorney or Designee(s) may approve the disclosure of PHI to comply with a subpoena, discovery request, or other process.

Effective Date: 4/14/03
Dates Revised:

A handwritten signature in black ink, reading "Jerome E. Lovrien". The signature is written in a cursive style with a large initial "J".

Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities