

**DISCLOSURE OF PROTECTED HEALTH
INFORMATION FOR LAW ENFORCEMENT
PURPOSES PROCEDURE**

1. Any request from a law enforcement official to disclose PHI will be referred to the Designated Attorney or Designee(s). In reviewing such a request, the Designated Attorney or Designee(s) will apply the applicable section(s) of this policy, the policy titled COURT ORDERS AND OTHER LEGAL PROCESSES AND THE DISCLOSURE OF PROTECTED HEALTH INFORMATION, and federal privacy rules (45 CFR Part 164).
2. Any BHHF worker who believes, in good faith, that he or she should disclose PHI in accordance with the provisions of this policy to report a suspected crime may do so without prior approval. However, any such disclosure must be reported as soon as possible to the Designated Attorney or Designee(s). The worker should report the date, a general description of the PHI disclosed, the identity of the patient to whom the PHI pertains, the identity of the law enforcement official(s) to whom the PHI was disclosed, and the reason why the worker believed the disclosure was warranted. The report may be made either by letter or by telephone. The Designated Attorney or Designee(s) will retain a record of the disclosure for at least six years or longer if required by state law or regulation. No worker will be subject to disciplinary action for disclosures made in good faith in accordance with this policy.
3. Any BHHF worker who believes, in good faith, that he or she should disclose PHI in accordance with the provisions of this policy for reasons other than to report a suspected crime must first confer with the Designated Attorney or Designee(s). Any such disclosure must be approved in advance by the Designated Attorney or Designee(s).
4. In order to permit a subsequent accounting for any disclosure made under this policy, the following information will be recorded:
 - 1.1. Date of disclosure
 - 1.2. Reason for disclosure
 - 1.3. Identify of recipient of the PHI (including address, if available)
 - 1.4. General description of the PHI disclosed
5. Records of disclosures made under this policy must be retained for at least six years or longer if required by state law or regulation.
6. Disclosures made under this policy must be included in an accounting of disclosures. See the ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION policy. However, a disclosure under this policy may be temporarily omitted from such an accounting, upon a request from a law enforcement agency to temporarily

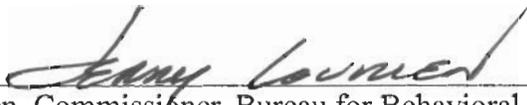
suspend an individual's right to be informed of a disclosure made under the accounting for disclosures policy.

REFERENCE: 45 CFR § 164.512(f), and 45 CFR §§ 164.512(j)(1)(ii), (j)(2), (j)(3)

See also: ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION
EXTENSION OF PRIVACY PROTECTION TO DECEASED INDIVIDUALS
SUBPOENAS, COURT ORDERS, DISCOVERY REQUESTS, OTHER LEGAL PROCESSES AND THE DISCLOSURE OF PROTECTED HEALTH INFORMATION
DISCLOSURE OF PROTECTED HEALTH INFORMATION WITHOUT AUTHORIZATION, TO AVERT A SERIOUS THREAT TO HEALTH OR SAFETY
EXTENSION OF PRIVACY PROTECTION TO DECEASED INDIVIDUALS
DISCLOSURE OF PROTECTED HEALTH INFORMATION TO REPORT CHILD ABUSE, OR OTHER ABUSE, NEGLECT, OR DOMESTIC VIOLENCE

Effective Date: 4/14/03

Dates Revised:



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