

DISCLOSURE OF PROTECTED HEALTH INFORMATION BY “WHISTLEBLOWERS” POLICY

RESPONSIBILITY: Privacy Official or Designee(s)

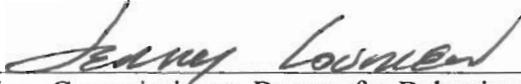
BACKGROUND:

Federal and state laws recognizes that employees or others associated with health care organizations may feel compelled by professional standards or personal ethics to come forward when they believe, in good faith, that the organization is in violation of law, professional standards, safety standards, or ethics. They may believe that they need to disclose certain protected health information to substantiate their allegations. If they make the disclosure in good faith, and if the disclosure is made to an appropriate party, as set forth in this policy, this disclosure will not be treated as a breach of Behavioral Health and Health Facilities’ (BHHF’s) security, privacy and confidentiality policies.

POLICY:

1. A member of the workforce or business associate of BHHF is not in violation of the requirements of BHHF policies regarding uses and disclosures of protected health information:
 - 1.1.1. When the workforce member or business associate believes, in good faith, that BHHF has engaged in conduct that is unlawful or otherwise violates professional or clinical standards, or that the care, services, or conditions provided by BHHF potentially endanger one or more patients, workers, or the public; and,
 - 1.1.2. When protected health information is disclosed to a health oversight agency or public health authority authorized by law to investigate or otherwise oversee the relevant conduct or conditions of BHHF, or to an appropriate health care accreditation organization, for the purpose of reporting the allegation of failure to meet professional standards or misconduct by BHHF.
2. The protected health information may also be disclosed by the workforce member or business associate to an attorney who is retained for the purpose of determining the legal options of the workforce member or business associate with regard to the conduct described above.

Effective Date: 4/14/03
Revised Dates:



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