

## **DISCLOSURE OF PROTECTED HEALTH INFORMATION IN DISASTER SITUATIONS POLICY**

**RESPONSIBILITY:** Privacy Official or Designee(s), All Members of Behavioral Health and Health Facilities (BHFF) Workforce

### **BACKGROUND:**

In a disaster, it may be necessary to disclose certain information about BHFF patients in order to aid disaster response and recovery agencies to accomplish their work. This includes providing information to locate or identify people, and to locate and inform family members and others who are involved in a patient's care.

### **POLICY:**

Members of the BHFF workforce (workers) may disclose protected health information (PHI) to a public or private entity authorized by law or by charter (such as the local chapter of the American Red Cross) to assist in disaster relief efforts. Such disclosures may be made without the written authorization of the person to whom the information pertains. However, the disclosure may only be for the purpose of coordinating with such entities to locate family members, personal representatives, and others involved in an individual's health care, and/or to notify them of the individual's location, general condition, or death.

This policy takes precedence over the limitations in the BHFF policy DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR LAW ENFORCEMENT PURPOSES, which would otherwise limit the information that is provided to law enforcement officials to locate or identify a missing person. For instance, in a disaster, BHFF is allowed to disclose DNA, dental records, and tissue typing, without a court order, to identify victims and locate and notify family members, personal representatives, and others who are involved in their care.

BHFF workers should attempt to comply with the following, to the extent that, in their professional judgment, doing so does not interfere with emergency response or disaster relief activities:

- If the individual to whom the PHI pertains is present, or otherwise available, the disclosures of PHI permitted by this policy should only be made in accordance with that individual's desires. The worker may ask the individual if she or he agrees to the disclosure and may give the individual the opportunity to object. The worker may also disclose PHI in accordance with this policy when, based on his or her professional judgment, it can be reasonably inferred from the circumstances that the individual does not object to the disclosure.
- If the individual to whom the PHI pertains is not present, or otherwise available, or is not capable of giving agreement or making an objection to a disclosure of

PHI, a worker may disclose PHI in accordance with this policy when he or she determines that it is in the individual's best interests to do so. A worker may make this determination based on his or her professional judgment.

Only the minimum PHI necessary to accomplish the intended purpose of the disclosure may be disclosed.

Effective Date: 4/14/03

Revised Dates:



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