

## **DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR CERTAIN GOVERNMENT FUNCTIONS POLICY**

**RESPONSIBILITY:** Privacy Official or Designee(s)

### **BACKGROUND:**

A number of specialized government functions may require the disclosure of protected health information (PHI) of Behavioral Health and Health Facilities (BHHF) patients. For instance, military authorities may require information from a person's medical record to help determine suitability for an assignment.

Disclosure under these circumstances is governed by a number of different federal laws. PHI may be disclosed in these situations, consistent with such laws.

### **POLICY:**

BHHF may disclose protected health information (PHI), without the written authorization of the person to whom the information pertains, for the following specialized government functions:

#### **Military.**

1. Armed Forces personnel. BHHF may use and disclose the protected health information of individuals who are U. S. Armed Forces personnel for activities deemed necessary by appropriate military command authorities to assure the proper execution of the military mission, if the appropriate military authority has published by notice in the Federal Register the following information:
  - 1.1. Appropriate military command authorities; and
  - 1.2. The purposes for which the protected health information may be used or disclosed.
2. Foreign military personnel. BHHF may use the protected health information of individuals who are foreign military personnel, and disclose their PHI to their appropriate foreign military authority, for the same purposes for which uses and disclosures are permitted for U. S. Armed Forces personnel.

#### **National security and intelligence.**

BHHF may disclose protected health information to authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities authorized by the National Security Act (50 U.S.C. 401, et seq.) and implementing authority (e.g., Executive Order 12333). Such disclosures are not to be included in any accounting of disclosures. See ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION.

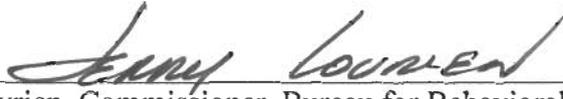
**Protective services for the President and others.**

BHHF may disclose protected health information to authorized federal officials for the provision of protective services to the President or other persons authorized by 18 U.S.C. 3056, or to foreign heads of state or other persons authorized by 22 U.S.C. 2709(a)(3), or to for the conduct of investigations authorized by 18 U.S.C. 871 and 879.

Any use or disclosure of PHI that is in accordance with this policy must be approved by the Designated Attorney or Designee(s).

Effective Date: 4/14/03

Revised Dates:



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