

## **DISCLOSURES OF PROTECTED HEALTH INFORMATION BY WORKFORCE MEMBERS WHO ARE THE VICTIMS OF CRIME POLICY**

### **BACKGROUND:**

This policy is self-explanatory, and requires no responsible party or procedures.

### **POLICY:**

#### **Non- Mental Health Information**

A BHHF workforce member who is the victim of a criminal act may disclose protected health information to a law enforcement official without violating BHHF's policies regarding the use and disclosure of PHI, provided that:

1. The protected health information that is disclosed pertains to the suspected perpetrator of the criminal act; and
2. The protected health information that is disclosed is limited to the following information:
  - 2.1. Name and address;
  - 2.2. Date and place of birth;
  - 2.3. Social security number;
  - 2.4. ABO blood type and rh factor;
  - 2.5. Type of injury;
  - 2.6. Date and time of treatment;
  - 2.7. Date and time of death, if applicable; and
  - 2.8. A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos.
3. Other than the information listed in number 2, above, no protected health information related to the individual's DNA or DNA analysis, dental records, or typing, samples or analysis of body fluids or tissue may be disclosed.
4. A disclosure made under this policy must be recorded for inclusion in any accounting of disclosures, to the extent that BHHF is aware of the disclosure. See ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION.

#### **Mental Health Information**

A BHHF Workforce member who is the victim of a criminal act may disclose protected health information to a law enforcement official without violating BHHF's policies regarding the use and disclosure of PHI only under the following circumstances:

1. When authorized by the patient or representative.
2. In involuntary commitment proceedings or proceedings to determine whether a criminal defendant is competent to stand trial or not guilty by reason of mental illness.
3. 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.
4. To protect against a clear and substantial danger to the patient or others.
5. For treatment and internal review purposes.
6. To comply with state and federal legal and regulatory requirements.
7. Any disclosure shall also be consistent with BHHF policies.

**REFERENCE:** 45 CFR §§ 164.502(j)(2) and 164.512(f) (2)(i)

See also: ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION

Effective Date: 4/14/03

Revised Dates:



---

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