



<b>TITLE: Protection of Individually Identifiable Health Information – AD 014</b>	
<b>DEPARTMENT:</b> Organization-wide	<b>ORIGINATION DATE:</b> January 2022
<b>CATEGORY:</b> Administration	<b>APPROVED DATE:</b> January 2022

**Policy Statement:** CASL abides by the HIPAA Privacy Rule to protect clients’ individually identifiable health information by disclosing its practices related to the use and disclosure of PHI in its Notice of Privacy Practices; and only uses and discloses information in the most appropriate fashion, by authorized representatives of CASL.

**Scope:** Organization-wide

**Exceptions:** NA

**Guidelines:**

CASL’s Notice of Privacy Practices is made available in hard copy to the client and/or their legal representative at admission to any CASL program; a copy is posted in a common area of all CASL locations where clients are seen; a printed copy is available to anyone who requests a copy. An electronic copy may be provided as long as the individual is notified that they may request a written copy.

Clients are asked to complete and sign an “Authorization to Release Protected Health Information” form for all individuals and organizations known to need PHI at the time of the client’s admission. Clients may refuse to sign a release and may cancel their authorization at any time. Declining or cancelling a release will not have any effect on the client’s services provided by CASL.

Additional Authorization to Release Protected Health Information forms may be completed at anytime one is needed.

CASL team members will have access to PHI as defined by their job function, and their “need to know”. CASL operates under the premise of accessing the “Minimum Necessary” for a particular use.

CASL will verify the identity of anyone who requests PHI, prior to the release of the PHI.

CASL may disclose PHI for the purposes of treatment, payment, or healthcare operations. These uses do not require an authorization, and a log of disclosures is not needed.

CASL may, under certain circumstances, disclose the protected health information of deceased patients. The health information of a deceased patient is subject to the same privacy protections as the health information of living patients until the person has been deceased for fifty (50 years). After fifty (50) years it is NOT considered protected health information. A personal or legal representative, the executor or administrator of the client’s estate has the right to exercise the privacy rights of the client. To the extent allowed by applicable state laws, the deceased client’s health information may be released to medical examiners or coroners, to funeral directors as necessary to carry out their duties, to organ procurement agencies, to authorized officials or agencies carrying out public health activities, health oversight, law enforcement, research, or other purposes for which an authorization is not required.



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PHI may be released in response to a valid court order or an order from an administrative tribunal. An order from an Administrative Law Judge or “ALJ” will be treated like an order of any other court. PHI will only be released in response to subpoenas, discovery requests, and other legal processes if the client provides a written and dated authorization to release the information to the requesting party.

Protected health information may be disclosed in response to legal process or summons:

- A) To comply with a court order or court-ordered warrant ordering disclosure to a law enforcement agency.
- B) To comply with a subpoena or summons issued by a judicial officer rather than by a private attorney.
- C) To comply with a grand jury subpoena.
- D) Pursuant to an official request from a law enforcement agency (for instance, a request for information from an enforcement agency of the federal government, such as the Bureau of Alcohol, Tobacco and Firearms).

**Definitions:**

**Court Order:** A valid court order is one that has been specifically approved by the court and signed by the judge. It does not include a subpoena automatically issued by a clerk of the court at the request of an attorney.

**Administrative Tribunal:** A specialized court associated with an administrative agency, such as the IRS or Social Security Administration, rather than a general court that hears a variety of types of cases.

**Outcome Monitoring:** NA

**Related Documents:**

Accounting of Disclosures Procedure

Disclosing PHI Procedure

**References:**

1996 Health Insurance Portability and Privacy Act Privacy Rule (45 CFR §164.530)

<b>REVISION DATES:</b> <i>List all review dates where the policy was edited; separated by semicolon</i>	
<b>REVIEW DATES:</b> <i>List all review dates that did not result in changes to the policy; separate by semicolon</i>	
<b>APPROVAL BODY(IES):</b> Quality Ops - Board	<b>NEXT REVIEW DATE:</b> December 2024