

Stark County Board of Developmental Disabilities

HIPAA Procedure 21: HIPAA Use and Disclosure of PHI for Permitted Purposes	Effective: 4/14/2003
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Subject: HIPAA Use and Disclosure of PHI for Permitted Purposes

Under HIPAA, there are limited situations when the Board is permitted or required to disclose protected health information (“PHI”) without obtaining signed authorization. These situations are:

Others Involved In The Individual’s Healthcare: If the individual served, legal guardian, or parent or legal guardian of an individual under age eighteen (hereinafter referred to as “Individual Served”), agrees, or the Board can reasonably infer from the circumstances that the Individual Served agrees, the Board may disclose to individuals identified by the Individual Served such as family members, other relatives, a close personal friend, or any other person identified by the Individual Served, PHI directly relevant to such person’s involvement with the care or the payment for their care. If the Individual Served is not present or able to agree or object to the use or disclosure of PHI, then, by using its professional judgment, the Board may determine whether the disclosure is in the individual’s best interest and act accordingly. The Board may also use or disclose health information to notify or assist in the notification (including identifying or locating) a family member, a personal representative, or another person responsible for the individual’s care, location, general condition or death. And finally, the Board may use or disclose PHI to an authorized public or private entity to assist in disaster efforts and to coordinate uses and disclosures to family or other individuals involved in the individual’s healthcare. At any time when such a disclosure is made by a staff person of the Board, the disclosure must be documented.

Required By Law: The Board may use or disclose PHI to the extent that the use or disclosure is required by law. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. The Individual Served will be notified, as required or permitted by law, of any such use or disclosure.

Communication Barriers: The Board may use and disclose PHI if the Board attempts to communicate with the individual but is unable to do so due to substantial communication barriers, such as unconsciousness, and the Board determines, using professional judgment, that the Individual Served would permit the use or disclosure under the circumstances.

Public Health Activities: The Board may disclose PHI for public health activities, which may include, for example, information collected by a public health authority that is authorized by law to collect the information to prevent or control disease.

Health Oversight: The Board may disclose PHI for health oversight activities, which must be required by law, such as to government agencies that include criminal investigations, audits, or general oversight activities relating to the community’s healthcare.

Communicable Diseases: The Board may use or disclose PHI, if authorized by law, to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease or condition.

Legal Proceedings: The Board may disclose PHI in the course of any judicial or administrative proceeding, or in response to an order of a court or administrative tribunal (to the extent such disclosure is expressly authorized).

Food and Drug Administration: The Board may disclose PHI to a person or company required by the Food and Drug Administration to report adverse events, product defects or biologic product deviations; to track

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products; to enable product recalls, to make repairs and replacements; or to conduct post marketing surveillance, as required.

Coroner or Medical Examiner: The Board may disclose PHI to a coroner or medical examiner for the purpose of identifying an individual or determining an individual’s cause of death.

Criminal Activity: Consistent with applicable federal and state laws, the Board may disclose PHI, if the Board believes that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. The Board may also disclose health information if it is necessary for law enforcement authorities to identify or apprehend an individual.

Law Enforcement: The Board may also disclose PHI, so long as applicable legal requirements are met, for law enforcement purposes. These law enforcement purposes include but are not necessarily limited to the reporting of certain types of wounds or physical injury, in response to a request to locate or identify a suspect, fugitive or missing person, or to comply with the requirements of a court order.

Workers’ Compensation: PHI may be disclosed by the Board as authorized to comply with Workers’ Compensation laws and other similar legally-established programs.

Military Activity and National Security: When appropriate conditions apply, the Board may use or disclose PHI of individuals who are Armed Forces personnel as required by the military command authorities or for the purposes of determining eligibility for benefits by the Department of Veterans Affairs. The Board may also disclose PHI to authorized federal officials for conducting national security and intelligence activities, including for the provision of protective services to the President or others legally authorized.

Inmates: The Board may use or disclose PHI if the individual is an inmate of a correctional facility and the Board created or received the health information in the course of providing care to the inmate.

Prior to making any disclosures as discussed above (except disclosures made to Others Involved in Healthcare), Board staff persons must have permission from a Compliance Committee Member or the Privacy Officer or be directed to make such a disclosure by a Compliance Committee Member or Privacy Officer. Any questions regarding the appropriateness of such a disclosure is to be directed in writing to the Privacy Officer.

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Applies to:</td> <td style="width: 15%;">Yes</td> <td style="width: 15%;">No</td> </tr> <tr> <td>All employees</td> <td style="text-align: center;">X</td> <td></td> </tr> <tr> <td>Non Represented</td> <td></td> <td></td> </tr> <tr> <td>SCEPTA</td> <td></td> <td></td> </tr> <tr> <td>SCDD SSA</td> <td></td> <td></td> </tr> <tr> <td colspan="3">(1) See Current Bargaining Agreement</td> </tr> </table>	Applies to:	Yes	No	All employees	X		Non Represented			SCEPTA			SCDD SSA			(1) See Current Bargaining Agreement			<p>Historical Resolution Information Policy 2.22 HIPAA</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Date</th> <th style="text-align: left;">Resolution</th> </tr> </thead> <tbody> <tr> <td>1/19/13</td> <td>01-09-13</td> </tr> </tbody> </table>	Date	Resolution	1/19/13	01-09-13
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Superintendent’s Signature:	Reviewer(s): Privacy Officer Security Officer																						