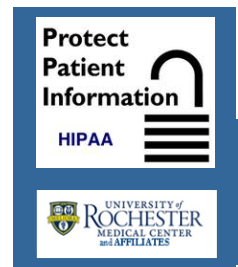


HIPAA HIGHLIGHTS

July 2023



Disclosures to Law Enforcement Officials

HIPAA allows covered entities, including hospitals, to disclose protected health information (PHI) to law enforcement officials upon their request for certain limited purposes without patient authorization. Below, we outline such permissible disclosures. Keep in mind that in addition to these disclosures, HIPAA allows hospitals to initiate disclosures or reporting that is "required by law", disclosures relating to certain criminal conduct and disclosures to avert a serious threat to health or safety. These are beyond the scope of this article but are addressed in [HIPAA Policy P24-1](#).

Disclosures for Identification and Location Purposes

A hospital may release limited information for purposes of identifying and locating a suspect, fugitive, material witness, or missing person. See the policy linked above for a list of permitted information, such as distinguishing features, date of service/hospitalization, name, address and date of birth – but not DNA analysis, blood or urine test results.

Administrative request or a non-judicial subpoena or summons

If a hospital receives an administrative request, subpoena or summons from law enforcement, it may release patient information if the following requirements are met: (1) The information requested must be relevant and material to a legitimate law enforcement inquiry; (2) The request must be specific and limited in scope to the extent possible in light of the law enforcement purpose for which the information is requested, and (3) De-identified information could not reasonably be used. Example: request to be informed of patient's discharge due to outstanding arrest warrants. Often, the hospital's Public Safety Department will act as liaison between law enforcement and clinical staff to assess compliance with these requirements and consider the patient's best interest. (Note that judicial subpoena and summons are not subject to this three-part test).

Victims of a Crime

A hospital may disclose information about a patient who may have been the victim of a crime if the victim is incapacitated or an emergency prevents the hospital from obtaining authorization from the patient, provided that the law enforcement official confirms the information is needed for an immediate law enforcement activity and the information won't be used against the victim, and the hospital believes that release of information is in the victim's best interest.

Custodial Situations

A hospital may disclose information to a law enforcement official who has custody of a patient, provided the official confirms that the information is necessary for the provision of health care or for the health and safety of the patient or others at the site of custody.

All disclosures to law enforcement are subject to [HIPAA's "accounting of disclosure" requirement](#). Therefore, it is important that each hospital and affiliate have an established procedure to document the disclosures in a way that can be retrieved by its health information management staff. Often, this is coordinated by the hospital's Public Safety department.

For additional information on any HIPAA-related topics, please refer to the URMS intranet site at <http://sites.mc.rochester.edu/departments/hipaa/>. For any questions regarding HIPAA, please contact your [Privacy Officer](#) or [HIPAA Security Official](#).