**PURPOSE**

To establish guidelines for situations in which [COVERED ENTITY] may disclose protected health information (PHI) for law enforcement purposes without a patient’s authorization or without the patient’s agreement or objection and to describe the requirements that must be met before such disclosures may be made.

**POLICY**

[COVERED ENTITY] may use or disclose PHI to the extent that such use or disclosure is required by law and complies with and is limited to the relevant requirements of such law or to the extent such use or disclosure is permitted under the HIPAA Privacy Regulations.

**PROCEDURE**

1. Disclosures Required by Law.If there is a specific law that requires the disclosure of PHI to a law enforcement official, such as the reporting of certain types of wounds or injuries, then [COVERED ENTITY] may disclose the PHI without the individual’s authorization.

2. Disclosures Pursuant to Legal Process. [COVERED ENTITY] may disclose PHI in response to a court order, court-ordered warrant, subpoena, or summons issued by a judicial officer; a grand jury subpoena; or an administrative request, such as an administrative subpoena or summons, a civil or authorized investigative demand or similar process authorized under law **if**: (a) the information sought is relevant and material to a legitimate law enforcement inquiry; (b) the request is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is being sought; and (c) de-identified information could not reasonably be used.

3. Disclosures to Law Enforcement for Purposes of Identification and Location. If a disclosure of PHI is not required by law as described above, but a law enforcement official has requested the disclosure of the PHI solely for the purpose of identifying or locating a suspect, fugitive, material witness, or missing person, then [COVERED ENTITY] may disclose only the following: (a) name and address; (b) date and place of birth; (c) Social Security number; (d) type of injury; (e) ABO blood type and rh factor; (f) date and time of treatment; (g) date and time of death, if applicable; and (h) 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. [COVERED ENTITY] may not disclose for identification or location purposes any PHI related to an individual’s DNA, DNA analysis, dental records or typing, samples or analysis of body fluids or tissue. Any disclosure for these purposes must also be in accordance with the requirements of any applicable state law.

4. Disclosures to Law Enforcement Regarding Victims of a Crime. If a disclosure is not required by a particular law, but a law enforcement official has requested disclosure of PHI about an individual who is thought to be a victim of a crime (other than child abuse; or abuse, neglect or domestic violence concerning adults who are not elder persons or disabled adults; or abuse or neglect of an elder person or disabled adult), then [COVERED ENTITY] may make the requested disclosure if the individual agrees to the disclosure. If [COVERED ENTITY] is unable to obtain the individual’s agreement because the individual is incapacitated or because of other emergency circumstances, [COVERED ENTITY] may disclose the PHI if, in the exercise of its professional judgment, it determines that the disclosure is in the best interest of the individual, **and** the law enforcement official requesting the disclosure represents that (1) the information is needed to determine whether there has been a violation of law by a person other than the victim, and the information requested is not intended to be used against the victim; and (2) immediate law enforcement activities that depend upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree.

5. Disclosures to Law Enforcement Initiated by [COVERED ENTITY]

a. *Disclosures Regarding Decedents*. [COVERED ENTITY] may initiate a disclosure to a law enforcement official of PHI of an individual who has died if [COVERED ENTITY] suspects that the individual’s death was the result of criminal conduct, and if the disclosure is necessary for purposes of alerting the law enforcement official to this suspicion.

b. *Disclosure Regarding Crime on Premises*. [COVERED ENTITY] may initiate a disclosure of PHI to a law enforcement official that [COVERED ENTITY] believes in good faith constitutes evidence of criminal conduct that occurred on [COVERED ENTITY]’s premises.

c. *Disclosures for Purposes of Reporting of Criminal Conduct in Emergencies*. If a healthcare provider who is part of [COVERED ENTITY] provides emergency health care in response to a medical emergency, that healthcare provider may initiate disclosure of PHI regarding the medical emergency to law enforcement officials if the disclosure is necessary to alert law enforcement to: (a) the commission and nature of a crime; (b) the location of such crime or of the victim(s) of the crime; and (c) the identity, description and location of the perpetrator of the crime. Such disclosures may not be made with regard to an emergency that occurs on [COVERED ENTITY]’s premises. Such disclosures may not be made with regard to emergency medical care given to an individual whom [COVERED ENTITY] believes requires this care as a result of abuse, neglect or domestic violence.

6. Verification. [COVERED ENTITY] shall verify the identity of any law enforcement official to whom a permitted disclosure is made pursuant to this policy.

7.Minimum Necessary. If [COVERED ENTITY] is permitted to make a disclosure of PHI as described above, [COVERED ENTITY] may disclose only the information specified for the particular situation. If no specific information is specified for a particular situation, then [COVERED ENTITY] may disclose only the minimum necessary PHI to accomplish the purpose of the disclosure.

8.Accounting for Disclosures. [COVERED ENTITY] must keep a record of any disclosures made to law enforcement pursuant to this policy. This information shall be available to any individual who is the subject of such a disclosure and who requests an accounting of such a disclosure. Records regarding disclosures to law enforcement must be kept for at least 6 years after the date of the disclosure.