DISCLOSURE PERMITTED UNDER HIPAA

- **Written Request Requiring Production**
  - Subpoena/Summons
    - Issued by Grand Jury
    - Issued by Judicial Officer (*i.e* signed by Judge or Clerk of Court)
  - Administrative Request/Subpoena/Summons
    - Request certifies information is:
      1) relevant and material to legitimate law enforcement inquiry; and
      2) specific and limited in scope; and
      3) de-identified information could not be used
  - Order of a Court or Administrative Tribunal
    - Only information expressly authorized by Order may be disclosed
  - Subpoena, Discovery Request or Other Lawful Process NOT Accompanied by Court or Tribunal Order or Authorization (*i.e*. trial subpoena)
    - Must receive assurance that party seeking information:
      1) has notified subject of information regarding request and allowed for objection; or
      2) obtained appropriate protective order
- **Mandatory Disclosures Required by Law (varies by state)**
  - Gunshots & stab wounds; Child Abuse/Neglect
    - Notify authorities according to state law (prior approval not required)
  - Victim of Abuse, Neglect or Domestic Violence
    - **1)** Disclosure necessary to prevent serious harm to victim or others and information will not be used against victim; and
    - **2)** Delay would materially and adversely effect investigation; and
    - **3)** Disclosure is in best interest of victim; and
    - **4)** Victim must be promptly notfied of report unless notification would adversely affect best interests of victim
- **Permissive Disclosures**
  - Identity or location of suspect, fugitive, material witness or missing person
    - May only disclose demographic information and general diagnosis and treatment information
  - Victims of Crime
    - Victim is incapacitated:
      1) needed to determine if violation of law has occurred; and
      2) information will not be used against victim; and
      3) delay would materially and adversely effect investigation; and
      4) disclosure is in best interest of victim
  - Crime on Premises
    - Good faith belief that information constitutes evidence of criminal conduct that occured on premises
  - Emergency Health Care in Response to a Medical Emergency
    - Disclosure appears necessary to alert law enforcment to:
      1) comission and nature of crime; or
      2) location of crime or victim; or
      3) identity, description or location of perpetrator

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