

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 11	Patient Privacy Policies	Effective:	April 2003
Section 11.2	Uses and Disclosures of Protected Health Information	Revised:	February 2006
Policy 11.2.10	Use and Disclosure for Judicial or Administrative Proceedings	Responsibility:	Assistant Vice President for Regulatory Affairs & Compliance

USE AND DISCLOSURE FOR JUDICIAL OR ADMINISTRATIVE PROCEEDINGS

Policy

The Health Science Center may disclose protected health information without authorization for judicial and administrative proceedings as described in this policy.

Definitions

DISCLOSURE: The release, transfer, provision of access to, or divulgence in any other manner, of information to any organization external to the Health Science Center.

USE: With respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within the Health Science Center.

Procedures

The Health Science Center may disclose protected health information without authorization for judicial and administrative proceedings if it is:

1. In response to an order of a court or administrative tribunal, provided that the Health Science Center discloses only the protected health information expressly authorized by such order; or,
2. In response to a subpoena, discovery request, or other lawful process, that is not accompanied by an order of a court or administrative tribunal, if:
 - a. The Health Science Center receives satisfactory assurance from the party seeking the information that reasonable efforts have been made by such party to ensure that the individual who is the subject of the protected health information that has been requested has been given notice of the request; or
 - b. The Health Science Center receives satisfactory assurance from the party seeking the information that reasonable efforts

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have been made by such party to secure a qualified protective order that meets the requirements of this section.

3. If the Health Science Center receives satisfactory assurances from a party seeking protected health information along with a written statement and accompanying documentation demonstrating that:
 - a. The party requesting such information has made a good faith attempt to provide written notice to the individual (or, if the individual's location is unknown, to mail a notice to the individual's last known address);
 - b. The notice included sufficient information about the litigation or proceeding in which the protected health information is requested to permit the individual to raise an objection to the court or administrative tribunal; and,
 - c. The time for the individual to raise objections to the court or administrative tribunal has elapsed, and:
 1. No objections were filed; or,
 2. All objections filed by the individual have been resolved by the court or the administrative tribunal and the disclosures being sought are consistent with such resolution.
4. For the purposes of this section, if the Health Science Center receives satisfactory assurance from a party seeking protected health information including a written statement and accompanying documentation demonstrating that:
 - a. The parties to the dispute giving rise to the request for information have agreed to a qualified protective order and have presented it to the court or administrative tribunal with jurisdiction over the dispute; or,

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- b. The party seeking the protected health information has requested a qualified protective order from such court or administrative tribunal.

For purposes of this policy, a “qualified protective order” means, with respect to protected health information requested under this section, an order of a court or of an administrative tribunal or a stipulation by the parties to the litigation or administrative proceeding that:

1. Prohibits the parties from using or disclosing the protected health information for any purpose other than the litigation or proceeding for which such information was requested; and,
 2. Requires the return to the Health Science Center or destruction of the protected health information (including all copies made) at the end of the litigation or proceeding.
5. Notwithstanding guidelines as described in number 2 above, the Health Science Center may disclose protected health information in response to lawful process without receiving full satisfactory assurance (as described in number 3 above), if the Health Science Center makes reasonable efforts to provide notice to the individual sufficient to meet the requirements of this section or to seek a qualified protective order.
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