

ILLUSTRATIONS OF SITUATIONS REQUIRING/NOT REQUIRING AUTHORIZATION

Under the HIPAA Privacy Rule, your practice **must obtain patient authorization** if it wants to use PHI for non-TPO purposes.

- To disclose PHI about a patient to a third party (i.e., a life insurance underwriter).
- To market a product or services except if the marketing communication is face-to-face with the patient or it involves the provision of services of nominal value.
- To raise funds for any entity other than your practice;
- For research unless your practice has a signed waiver approved by the Institutional Review Board (IRB) for the use and disclosure of PHI or has de-identified PHI;
- To use psychotherapy notes, unless use or disclosure is required for:
 - ◆ law enforcement purposes or legal mandates
 - ◆ oversight of the provider who created the notes
 - ◆ a coroner or medical examiner
 - ◆ avoidance of a serious and imminent threat to health or safety;

Under the HIPAA Privacy Rule, your practice **does not have to obtain** patient authorization to disclose PHI

- To a provider who has an indirect treatment relationship with the patient;
- To a health oversight agency with respect to audits, civil, administrative, and/or criminal investigations, proceedings or actions, inspections, licensure or disciplinary actions;
- In response to a court order, court-ordered warrant, subpoena or summons;
- To law enforcement for the purpose of identifying or locating a suspect, fugitive, material witness or missing person, (e.g., disclosing a deceased individual's PHI if suspicion persists that death may have resulted from criminal conduct);
- To organ procurement organizations or other entities engaged in the procurement, banking, or transplantation of cadaveric organs, eyes or tissue for donation and transplantation;
- As required by law for public health activities and the prevention or control of disease, injury or disability, including but not limited to communicable diseases and product defects or problems (e.g., with food and dietary supplements and product labeling issues);
- As required by law to social or protective services with respect to victims of abuse, neglect or domestic violence;
- Of Armed Forces personnel for activities deemed to assure proper execution of military mission;
- To authorized federal officials for the conduct of lawful intelligence or counter-intelligence as authorized by the National Security Act;
- To authorized federal officials as it relates to protecting the President of the United States, to foreign heads of state or other authorized persons;
- To the United States Department of State as it relates to obtaining security clearance, service abroad and other provisions of the Foreign Service Act;
- To correctional institutions or law enforcement as it relates to inmates' healthcare or the health and safety of individuals treating and transferring inmates;
- To a person who may have been exposed to a communicable disease, if the practice is authorized by law to notify such persons in the conduct of a public health intervention or investigation;
- To an employer, if the practice is a covered provider who is a member of the workforce of the employer or who provides healthcare to the patient at the request of the employer: to conduct an evaluation relating to medical surveillance of the workplace; or evaluate whether the individual has a work-related illness or injury;
- To an auto insurance company or workman's compensation when they are responsible for payment of the practice's services;