

HIPAA & LAW ENFORCEMENT

**In non-emergency circumstances, staff should contact the HIPAA Compliance Office prior to disclosing information to law enforcement. **

A HIPAA covered entity may disclose PHI to law enforcement with the individual's signed HIPAA authorization. There are also situations where a HIPAA covered entity may disclose PHI to law enforcement <i>without</i> the individual's signed HIPAA authorization including:	
SERIOUS OR IMMINENT THREAT	When the PHI could potentially prevent or lessen a serious and imminent threat to the health or safety of an individual or the public.
CRIME ON PREMISES	When there is a good faith belief that the PHI could be evidence of a crime that occurred on the premises of the covered entity.
DEATH, POSSIBLY FROM CRIMINAL ACTIVITY	To alert law enforcement to the death of the individual, when there is a suspicion that death resulted from criminal conduct.
OFF-SITE MEDICAL EMERGENCY FROM CRIMINAL ACTIVITY	When responding to an off-site medical emergency, as necessary to alert law enforcement to criminal activity.
REPORTS REQUIRED BY LAW	To report PHI to law enforcement when required by law to do so (such as reporting gunshots or stab wounds).
COURT ORDER, SUBPOENA, OR WARRANT	To comply with a court order or court-ordered warrant, a subpoena or summons issued by a judicial officer, or an administrative request from a law enforcement official (the administrative request must include a written statement that the information requested is relevant and material, specific and limited in scope, and de-identified information cannot be used).
IDENTIFYING OR LOCATING SUSPECT, FUGITIVE, WITNESS, OR MISSING PERSON	For identifying or locating a suspect, fugitive, material witness or missing person, but the information <i>must be limited to basic demographic and health information about the person.</i>
ADULT VICTIM OF A CRIME WHEN VICTIM AGREES	For the adult victim of a crime when the victim agrees (or in limited circumstances if the individual is unable to agree).
CHILD ABUSE OR NEGLECT	Child abuse or neglect may be reported, without a parent's agreement, to any law enforcement official authorized by law to receive such reports.

Adapted from

https://www.hhs.gov/sites/default/files/ocr/privacy/hipaa/understanding/special/emergency/final_hipaa_guide_law_enforcement.pdf