

Reporting Incidents to Law Enforcement Agencies

HIPAA Policy: Privacy 11

Summary: Outlines the rules for reporting PHI to law enforcement agencies

Affected Individuals: Staff at HIPAA covered entities, patients at HIPAA covered entities

1.0 PURPOSE

The purpose of this policy is to guide University of Mississippi (UM) employees in HIPAA covered entities in making reports, including using protected health information (PHI) in these reports, to law enforcement officials when the need arises. This policy does not pertain to reporting of child neglect and abuse, elderly neglect and abuse, or for reporting of domestic violence.

2.0 SCOPE

The UM Reporting Incidents to Law Enforcement Agency Policy applies to any UM employee who reports incidents to appropriate law enforcement officials.

3.0 STANDARDS

It is UM policy that all disturbances, thefts or other violations of law occurring on campus be reported to the UM Campus Police. In situations where a crime is committed off campus, but, for some reason, under the auspice of a law or regulation, UM is required to report the crime, UM personnel will abide by such law and make a report as required. These types of reports will be made to the appropriate law enforcement official. Release of protected health information (PHI) to the appropriate law enforcement officials is permitted using proper UM procedures.

3.1 Disclosures for Identification and Location Purposes:

UM is permitted to disclose PHI in response to a law enforcement official's request for such information for the purpose of identifying or locating a suspect, fugitive, material witness, or missing person, provided that only the following information is disclosed:

- Name and address;
- Date and place of birth;

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- Social Security number;
- ABO blood type and rh factor;
- Type of injury;
- Date and time of treatment;
- Date and time of death, if applicable; and
- A description of distinguishing characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or mustache) scars and tattoos.

UM may not disclose, for the purposes of identification and location, PHI related to the individual's DNA or DNA analysis, dental records, or PHI related to the typing of tissue samples or analysis of body fluids without court authority. Any requests related to the individual's DNA or DNA analysis, dental records, or PHI related to the typing of tissue samples or analysis of body fluids should be referred to UM Office of General Counsel for review.

3.2 Disclosure in Response to a Law Enforcement Official's Request for Information:

- **Victims of Crime:**

UM may disclose to law enforcement PHI in response to law enforcement official's request for such information about a patient who is or is suspected to be a victim of a crime if:

- The individual agrees to the disclosure; or
- If UM is unable to obtain the patient's agreement because of his/her incapacity or other emergency circumstances, UM can still report to law enforcement provided that:
 - The law enforcement official represents that such information is needed to determine whether a violation has occurred, and the PHI is not intended to be used against the victim.

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- The law enforcement official represents that immediate law enforcement activity depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure.
 - The disclosure would be in the best interest of the individual as determined by UM in the exercise of professional judgment.
- Decedents:

UM can disclose to law enforcement official's PHI about a patient who has died for the purpose of alerting law enforcement of the death of the patient if UM has a suspicion that such death may have resulted from criminal conduct.
 - Crime on the Premises:

UM can disclose PHI to campus police that UM believes in good faith constitutes evidence of criminal conduct that occurred on UM premises.
 - Reporting Crime in an Emergency (except where UM personnel believes the crime is a result of abuse, neglect, or domestic violence of the individual in need of medical emergency care):

UM, when providing medical emergency care in places other than our campuses, may disclose PHI to a law enforcement official if such disclosure appears necessary to alert law enforcement to:

 - a. The commission and natures of a crime;
 - b. The location of such crime or of a victim of such crime; and
 - c. The identity, description and location of the perpetrator of such crime.

Reminder: This policy does not apply in the following instances:

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1. Where the disclosure of PHI is for the crime of suspected or known child abuse or neglect (See UM Policy on Reporting Child Abuse or Neglect);
2. Where the disclosure is about victims of abuse, neglect or domestic violence of adults/elderly (See UM Policy on Reporting Abuse, Neglect of Elderly);
3. Where the disclosure is in response to a court order, subpoena or summons, etc. (See UM Policy on disclosures and UM Policy on Judicial and Administrative Proceedings).

4.0 CONTACT INFORMATION

For questions about the UM Reporting Incidents to Law Enforcement Agency Policy or for more information, call the Office of General Counsel at 662-915-7014.