

## **Disclosure of PHI for Administrative and Judicial Purposes**

### **HIPAA Policy: Privacy 07**

**Summary:** Outlines the procedure for responding disclosing PHI in response to a court order or the order of an administrative tribunal

**Affected Individuals:** Staff at HIPAA covered entities.

## **1.0 PURPOSE**

This policy is intended to guide applicable University of Mississippi (UM) employees in the handling of judicial and administrative proceedings when such proceedings involve the disclosure of an individual's protected health information (PHI).

## **2.0 SCOPE**

The UM Disclosures of Protected Health Information (PHI) for Administrative and Judicial Purposes Policy applies to any UM employee responsible for disclosing patient's PHI to administrative or judicial personnel.

## **3.1 STANDARDS**

UM is permitted by law to disclose an individual's PHI in response to the following:

- A court order; or
- An administrative tribunal order.

**UM should disclose only PHI that is specifically indicated in the order.**

UM may also disclose PHI in response to the following so long as a court order or administrative tribunal order accompanies it:

- Subpoena;
- Discovery request; or
- Other lawful process.

In cases where a subpoena, discovery or other lawful process is not accompanied by a court order or administrative tribunal order, UM can disclose the PHI so long as UM receives from the party making the request, a written statement and accompanying documentation demonstrating that:

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- The party has made a good faith attempt to provide written notice to the individual whose PHI is being requested (or, if the individual's location is unknown to mail a notice to the individual's last known address);
- The notice must have included sufficient information about the litigation or proceeding in which the PHI is requested to permit the individual to raise an objection to the court or administrative tribunal;
- UM may disclose the PHI if the time for the individual to raise objections to the court or administrative tribunal has elapsed, and (1) no objections were filed; or (2) if objections were filed, the court or administrative tribunal has resolved all objections filed by the individual and the disclosures being sought are consistent with such resolution;
- The parties to the dispute have agreed to a qualified protective order and have presented it to the court or administrative tribunal with jurisdiction over the dispute; or
- The party seeking the PHI has requested a qualified protective order from such court or administrative tribunal.

For guidance on responding to court orders, subpoenas or any other such concerns, employees should contact the UM Office of General Counsel.

#### **4.0 CONTACT INFORMATION**

For questions about the UM Disclosures of PHI for Administrative and Judicial Purposes Policy or for more information, call the Office of General Counsel at 662-915-7014.