

**ADAMH BOARD OF FRANKLIN COUNTY
HIPAA Privacy Policy H.01.050**

**USES AND DISCLOSURES REQUIRING AN OPPORTUNITY FOR
THE INDIVIDUAL TO AGREE OR TO OBJECT**

A. PURPOSE STATEMENT

The purpose of this policy is to issue instructions for the use and disclosure of protected health information and necessary documentation of authority for such use or disclosure when an individual has the opportunity to agree to or prohibit or restrict the use or disclosure.¹

B. SCOPE

This policy applies to all ADAMH workforce members, including Board of Trustees members, employees, volunteers, trainees, and other persons whose conduct, in the performance of work for ADAMH, is under the direct control of ADAMH, regardless of whether they are paid by ADAMH.

C. POLICY STATEMENT

1. ADAMH may use or disclose protected health information, provided that the individual is informed in advance of the use and disclosure and has the opportunity to agree or to prohibit or restrict the use or disclosure. ADAMH may orally inform the individual of and obtain the individual's oral agreement or objection to a user or disclosure.
 - a. Uses and disclosures for involvement in the individual's care and notification purposes
 1. Permitted Uses and Disclosures:
 - a. ADAMH may disclose to a family member, other relative, or a close personal friend of the individual, or any other person identified by the individual, the protected health information directly relevant to such person's involvement with the individual's health care or payment related to the individual's health care.
 - b. ADAMH may use or disclose protected health information to notify, or assist in the notification of (including identifying or locating), a family member, a personal representative of the individual, or another person responsible for the care of the individual of the individual's location, general condition, or death.
 2. Uses and Disclosures with the Individual Present: If the individual is present for, or otherwise available prior to, a use or disclosure permitted above and has the capacity to make health care decisions, ADAMH may use or disclose the protected health information if it:
 - a. Obtains the individual's agreement;
 - b. Provides the individual with the opportunity to object to the disclosure, and the individual does not express an objection; or
 - c. Reasonably infers from the circumstances, based on the exercise of professional judgment, that the individual does not object to the disclosure.
 3. Limited Uses and Disclosures when the Individual Is Not Present: If the individual is not present, or the opportunity to agree or object to the use or disclosure cannot practicably be provided because of the individual's incapacity or an emergency circumstance, ADAMH may, in the exercise of professional judgment, determine whether the disclosure is in the best interests of the individual and, if so, disclose only the protected health

¹ CFR Title 45, Section 164.510 Uses and Disclosures Requiring an Opportunity for the Individual to Agree or to Object

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information that is directly relevant to the person's involvement with the individual's care or payment related to the individual's health care or needed for notification purposes.

4. **Uses and Disclosures for Disaster Relief Purposes:** ADAMH may use or disclose protected health information to a public or private entity authorized by law or by its charter to assist in disaster relief efforts, for the purpose of coordinating with such entities the uses or disclosures permitted by paragraph (b)(1)(ii) of this section. The requirements in paragraphs (b)(2), (b)(3), or (b)(5) of this section apply to such uses and disclosures to the extent that ADAMH, in the exercise of professional judgment, determines that the requirements do not interfere with the ability to respond to the emergency circumstances.
5. **Uses and Disclosures when the Individual Is Deceased:** If the individual is deceased, ADAMH may disclose to a family member, or other persons who were involved in the individual's care or payment for health care prior to the individual's death, protected health information of the individual that is relevant to such person's involvement, unless doing so is inconsistent with any prior expressed preference of the individual that is known to ADAMH.