

**ADAMH BOARD OF FRANKLIN COUNTY
HIPAA Privacy Policy H.01.060**

**USES AND DISCLOSURES FOR WHICH AN AUTHORIZATION OR
OPPORTUNITY TO AGREE OR OBJECT IS NOT REQUIRED**

A. PURPOSE STATEMENT

The purpose of this policy is to issue instructions for uses and disclosures for which an authorization or an opportunity to agree or object is not required.¹ The uses and disclosures included in this policy are a subset of those defined in 45 CFR §164.512.

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 without the written authorization of the individual or the opportunity for the individual to agree or object in the situations covered by this policy. When ADAMH is required to inform the individual of, or when the individual may agree to, a use or disclosure permitted in this policy, ADAMH's information and the individual's agreement may be given orally:
 - a. Uses and disclosures required by law: ADAMH may use or disclose protected health information to the extent that such use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of such law.
 - b. Uses and disclosures for public health activities: ADAMH may disclose protected health information for the public health activities and purposes described in 45 CFR §164.512.
 - c. Disclosures about victims of abuse, neglect or domestic violence: ADAMH may disclose protected health information about an individual whom ADAMH reasonably believes to be a victim of abuse, neglect, or domestic violence to a government authority, including a social service or protective services agency, authorized by law to receive reports of such abuse, neglect, or domestic violence:
 - d. Uses and disclosures for health oversight activities: ADAMH may disclose protected health information to a health oversight agency for oversight activities authorized by law, including audits; administrative investigations; inspections; licensure or disciplinary actions; civil, administrative, or criminal proceedings or actions; or other activities necessary for appropriate oversight.
 - e. Disclosures for judicial and administrative proceedings: ADAMH may disclose protected health information in the course of any judicial or administrative proceeding, if the conditions in CFR 45 §164.512 are met.
 - f. Disclosures for law enforcement purposes: ADAMH may disclose protected health information for a law enforcement purpose to a law enforcement official, if the conditions in CFR 45 §164.512 are met.
 - g. Uses and disclosures about decedents
 - i. *Coroners and medical examiners.* ADAMH may disclose protected health information to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law. A covered entity that also performs the

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duties of a coroner or medical examiner may use protected health information for the purposes described in this paragraph.

- ii. *Funeral directors.* ADAMH may disclose protected health information to funeral directors, consistent with applicable law, as necessary to carry out their duties with respect to the decedent. If necessary for funeral directors to carry out their duties, ADAMH may disclose the protected health information prior to, and in reasonable anticipation of, the individual's death.
- h. Uses and disclosures for research purposes: ADAMH may use or disclose protected health information for research, regardless of the source of funding of the research, if the conditions in 45 CFR §164.512 are met.
- i. Uses and disclosures to avert a serious threat to health or safety: ADAMH may, consistent with applicable law and standards of ethical conduct, use or disclose protected health information, if ADAMH, in good faith, believes the use or disclosure:
 - i. Is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; and
 - ii. Is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat; OR
 - iii. Is necessary for law enforcement authorities to identify or apprehend an individual:
 - (A) Because of a statement by an individual admitting participation in a violent crime that ADAMH reasonably believes may have caused serious physical harm to the victim; or
 - (B) Where it appears from all the circumstances that the individual has escaped from a correctional institution or from lawful custody, as those terms are defined in §164.501.
- j. Uses and disclosures for specialized government functions
 - i. Military and veterans activities.
 - ii. National security and intelligence activities.
 - iii. Protective services for the president and others.
 - iv. Correctional institutions and other law enforcement custodial situations.
 - v. Covered entities that are government programs providing public benefits.
- k. Disclosures for workers' compensation: ADAMH may disclose protected health information as authorized by and to the extent necessary to comply with laws relating to workers' compensation or other similar programs, established by law, that provide benefits for work-related injuries or illness without regard to fault.