PROCEDURE STATEMENT:
Health Quest Systems, Inc. and its affiliates (“HQ”) have an effective and timely process for the handling permissive disclosures of protected health information (“PHI”) for legal and public policy purposes.

PROCEDURES:

A. Disclosures related to Public Health Authorities and/or Activities

1. HQ may disclose PHI, without Authorization, to Public Health Authorities for purposes of preventing or controlling disease, injury or disability including:
   a. The reporting of a disease or injury
   b. Reporting vital events such as births or deaths
   c. Conducting public health surveillance, investigations or interventions

2. When releasing PHI to Public Health Authorities, HQ may reasonably rely on a Minimum Necessary determination made by the Public Health Authority.

3. HQ may disclose PHI, without Authorization, to persons or entities for the following public health activities:
   a. Child Abuse or neglect - victims of abuse, neglect or domestic violence;
   b. Quality safety or effectiveness of a product or activity regulated by the FDA. Examples include:
      i. Collecting or reporting adverse events of food or dietary products, and biological product deviations;
      ii. Tracking FDA-regulated products;
      iii. Enabling product recalls, repairs, replacement or lookback; and
      iv. Conducting post-market surveillance
   c. Persons at risk of contracting or spreading a disease or condition;
   d. Workplace medical surveillance or evaluation of work-related injury; and
   e. State reporting purposes.
4. When releasing PHI for public health purposes, HQ shall limit the PHI Disclosed to the Minimum Necessary to accomplish the public health purpose.

B. Disclosure Related to Law Enforcement

HQ may Disclose PHI, without Authorization for law enforcement purposes when the following conditions are met:

1. Required by law (including court orders, court-ordered warrants, subpoenas) and administrative requests;

2. To identify or locate a suspect, fugitive, material witness, or missing person;

3. In response to a law enforcement official’s request for information about a victim or suspected victim of a crime;

4. To alert law enforcement of a person’s death, if HQ suspects that criminal activity caused the death;

5. When HQ believes that PHI is evidence of a crime that occurred on its premises;

6. In a medical emergency not occurring on HQ premises, when necessary to inform law enforcement about the commission and nature of a crime, the location of the crime or crime victims, and the perpetrator of the crime.

C. Victims of Abuse, Neglect or Domestic Violence

1. HQ may Disclose PHI without Authorization in situations where Disclosure of PHI belonging to victims of abuse, neglect, or domestic violence may be necessary.

2. In the event that the HQ Workforce Member reasonably believes a patient is a victim of abuse, neglect or domestic violence, PHI may be provided to a government authority, social service, protective services agency or other agency authorized by law to receive report of such abuse, neglect or domestic violence.

   a. HQ will inform the patient if/when and to what extent this information will be provided to report the abuse, neglect or domestic violence to an authorized agency.

   b. The patient can refuse to have the abuse, neglect or domestic violence reported.
c. HQ can overrule the patient’s decision to not report the abuse, neglect or domestic violence if it is determined that the reporting is necessary to prevent serious harm to the individual or other potential victims.

d. If the patient is unable to agree to have the information reported about abuse, neglect or domestic violence, the information may be Disclosed to an authorized Law Enforcement or other public health official only if the official states that the information is not intended to be used against the patient and that an immediate enforcement activity that depends upon the Disclosure would be significantly adversely affected by waiting until the patient is able to agree.

e. HQ should not inform the patient of a report of abuse, neglect or domestic violence if it is believed that telling the patient would put them at risk of serious harm.

f. HQ should not inform a patient’s Personal Representative of the report of abuse, neglect or domestic violence if the affiliate believes the Personal Representative is responsible for the abuse, neglect or other injury.

D. Health Oversight Activities

HQ may provide PHI to a health oversight agency as authorized by law, including for the purposes of conducting audits, civil, administrative or criminal investigations, proceedings, or actions related to the receipt of health care or a claim for public benefits, inspections, licensure, disciplinary actions or other activities necessary for the operations of HQ.

E. Judicial and Administrative Proceedings

Assuming notice to the individual or a protective order is provided, an order from a court or administrative tribunal may allow HQ to disclose PHI.

F. Decedents

HQ may Disclose PHI for reasons such as identifying a deceased person or determining the cause of death.

G. Cadaveric Organ, Eye, or Tissue Donation

HQ may Use or Disclose PHI to facilitate the donation and transplantation of cadaveric organs, eyes, and tissue.
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<th>Title:</th>
<th>Permissive Disclosures of PHI for Legal and Public Policy Purposes Procedure</th>
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H. Research

HQ may Disclose Research PHI under the following instances:

1. When documentation that an alteration or waiver of individuals’ Authorization for the Use or Disclosure of PHI about them for Research purposes has been approved by an Institutional Review Board or Privacy Board;

2. When representations from the researcher that the Use or Disclosure of the PHI is solely to prepare a research protocol or for similar purpose preparatory to Research, that the researcher will not remove any PHI from HQ, and that PHI for which access is sought is necessary for the Research;

3. Representations from the researcher that the Use or Disclosure sought is solely for Research on the PHI of decedents, that the PHI sought is necessary for the Research, and, at the request of HQ, documentation of the death of the individuals about whom information is sought.

I. Serious Threat to Health or Safety

Disclosures are permitted if they are believed to prevent or lessen a serious and imminent threat to a person or the public, when such Disclosure is made to someone they believe can prevent or lessen the threat (including the target of the threat).

J. Essential Government Functions

These functions include: assuring proper execution of a military mission or conducting intelligence and national security activities that are authorized by law.

K. Workers’ Compensation

HQ may disclose PHI as allowed by workers’ compensation laws.

**DEFINITIONS:** See: HIPAA Glossary

**REFERENCES:**

45 CFR § 164.506
45 CFR § 164.512
5.2.17 Permissive Disclosures of PHI for Legal and Public Policy Purposes Policy
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**POLICY HISTORY:**
- Supersedes: 2/13/2019
- Original Implementation Date: 9/8/2008
- Date Reviewed: 2/28/2020

**APPROVAL:**

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