**Title:** Uses and Disclosures of PHI With and Without Authorization  
**Reference Number:** HQ 5.2.02  
**Signature:** Chief Compliance Officer  
**Effective Date:** March 24, 2020  
**Approved by:** Chief Compliance Officer  
**Page #:** Page 1 of 2

| ☒ Health Quest Systems, Inc. | ☒ Northern Dutchess Hospital | ☒ Putnam Hospital Center |
| ☒ Sharon Hospital | ☒ Vassar Brothers Medical Center | ☒ Heart Center |
| ☒ HQ Home Care | ☒ HQ Medical Practice | ☒ Sharon Hospital Medical Practice |
| ☒ Thompson House | | |
| ☒ Other HQ Entities Not Listed Above | | |

**PURPOSE:**
To ensure Health Quest Systems, Inc. and its affiliates (“HQ”) receives written authorization from a patient prior to releasing or utilizing healthcare information outside of the boundaries of treatment, payment of operations, or in the case of psychotherapy notes.

**POLICY:**
It is the policy of Health Quest, in compliance with 45 C.F.R. §164.508 to obtain written authorization to use and disclose medical information except when needed for the purposes of treatment, payment of services, or to carry out healthcare operations. New York State P.L 104-191 requires an authorization for treatment, payment and healthcare operations with individuals and entities outside of Health Quest, even treating providers.

A valid authorization is required for the release of any personal health information and is processed by the Health Information Management Department.

Psychotherapy notes cannot be used or disclosed for treatment, payment, or operations without the written authorization of the patient. (Refer to the policy entitled Release of Information for further clarification). The following exceptions to share psychotherapy protected health information are listed below:

- Authorization is not needed by the originator of the psychotherapy notes to use the notes for treatment
- Authorization to use psychotherapy notes is not needed if the notes are to be used in the course of training students, trainees or practitioners in mental health.
- Authorization to use psychotherapy notes is not needed by a Health Quest covered entity to defend itself a legal action or any other legal proceeding brought forth by the patient.
- Authorization to use psychotherapy notes is not needed when used by a medical examiner or coroner.
- Authorization is not needed by the government to investigate or determine Health Quest compliance with HIPAA.
- Authorization is not needed by a health oversight agency with respect to the originator of the psychotherapy notes.
Authorization is not needed when the request is consistent with law and ethical conduct and Health Quest believes the use or disclosure:

a. is necessary to prevent or lessen a serious or imminent threat of the health or safety of a person or the public and is to a person or persons reasonably able to prevent or lessen the threat, including the target of a threat

b. is necessary for law enforcement authorities to identify or apprehend an individual, because of a statement by an individual admitting participation in a violent crime that Health Quest reasonably believes may have caused serious physical harm to the victim

c. appears from all circumstances that the individual has escaped from a correctional institution or from lawful custody.

DEFINITIONS: See HIPAA Glossary

ENFORCEMENT: All Workforce Members and individuals whose responsibilities are affected by this policy are expected to be familiar with the basic procedures and responsibilities created by this policy. Failure to comply with this policy and related procedures will result in appropriate remedial and/or disciplinary actions up to and including termination of any employment or other relationship.

REFERENCES:
HIPAA: §164.506; 164.508
NYS P.L.104-191
5.2.02 Uses and Disclosures of PHI With and Without Authorization Procedure

POLICY HISTORY:
Supersedes: 2/27/14
Original Implementation Date: 2/2010
Date Reviewed: 3/13/19, 3/24/20
Date Revised: 2/27/14, 3/13/19

APPROVAL:

[Signature]
Policy Owner
Date