PURPOSE:
To outline instances in which disclosure of a patient’s personal health information ("PHI") can be disclosed by Health Quest Systems, Inc. and its affiliates ("HQ") without an Authorization.

POLICY:

A. Uses and disclosures required by law.

HQ may use or disclose PHI 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, pursuant to 45CFR §164.512.

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

1. HQ may disclose PHI, without an 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 U.S. Food and Drug Administration ("FDA"). Examples include:
      i. Collecting or reporting adverse events of food or dietary supplements, product defects or problems, 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 if the conditions of 45CRF §164.512 are met; 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.

C. Disclosure Related to Law Enforcement

1. HQ may disclose PHI, without authorization for law enforcement purposes when the following conditions are met:
   a. Required by law (including court orders, court-ordered warrants, subpoenas) and administrative requests;
   b. To identify or locate a suspect, fugitive, material witness, or missing person;
   c. In response to a law enforcement official’s request for information about a victim or suspected victim of a crime;
   d. To alert law enforcement of a person’s death, if HQ suspects that criminal activity caused the death;
   e. When HQ believes that PHI is evidence of a crime that occurred on its premises;
   f. 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.

D. Victims of Abuse, Neglect or Domestic Violence

1. Permitted disclosures. Except for reports of child abuse or neglect permitted above, HQ may disclose protected health information about an individual whom HQ 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 under the following circumstances:
   (i) To the extent the disclosure is required by law and the disclosure complies with and is limited to the relevant requirements of such law;
   (ii) If the individual agrees to the disclosure; or
   (iii) To the extent the disclosure is expressly authorized by statute or regulation and:
      (A) HQ, in the exercise of professional judgment, believes the disclosure is necessary to prevent serious harm to the individual or other potential victims; or
      (B) If the individual is unable to agree because of incapacity, a law enforcement or other public official authorized to receive the report represents that the protected health information for which disclosure is sought is not intended to be used against the individual and that an immediate enforcement activity that depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure.
2. Informing the individual. If HQ makes a disclosure, HQ must promptly inform the individual that such a report has been or will be made, except if:
   (i) HQ, in the exercise of professional judgment, believes informing the individual would place the individual at risk of serious harm; or
   (ii) HQ would be informing a personal representative, and HQ reasonably believes the personal representative is responsible for the abuse, neglect, or other injury, and that informing such person would not be in the best interests of the individual as determined by HQ, in the exercise of professional judgment.

E. 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.

G. 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.

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

I. Cadaveric Organ, Eye, or Tissue Donation
HQ may use or disclose PHI to facilitate the donation and transplantation of cadaveric organs, eyes, and tissue.

J. 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.

K. 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).

L. 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.

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

ENFORCEMENT:
All 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 will be subject to appropriate remedial and/or disciplinary action, up to and including termination of any employment or other relationship, in accordance with this policy.

REFERENCES:
45 CFR § 164.506
45 CFR § 164.512
5.2.17 Permissive Disclosures of PHI for Legal and Public Policy Purposes Procedure

POLICY HISTORY:
Supersedes: 2/27/14
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APPROVAL:

Policy Owner

Date