Applicability: UW Medicine

Policy Title: Verifying the Identity & Authority of Individuals Requesting Disclosure of Protected Health Information

Policy Number: PP-11

Superseded Policy(ies) or Entity Policy: N/A

Date Established: November 21, 2002

Date Effective: February 1, 2015

Dates Revised: January 31, 2003; May 22, 2006; March 12, 2009; February 9, 2012; February 1, 2015

Next Review Date: February 1, 2018

PURPOSE AND SCOPE

The purpose of this policy is to assure the proper identification and authority of individuals who request protected health information (PHI) from UW Medicine. Verification requirements are considered met if professional judgment is used to determine appropriate authority.¹

This policy is applicable to all UW Medicine entities.

POLICY PRINCIPLES/STATEMENT

See POLICY.

DEFINITIONS

See UW Medicine Compliance Policy: PP-00 Glossary of Terms.

POLICY

I. Verification Requirements for Disclosures of PHI

A. For any disclosures of PHI, UW Medicine:

1. Verifies the identity of any person who is not known and determines the authority for access to PHI.

¹ See separate related policies: UW Medicine Compliance policies; PP.13 Use & Disclosure of Protected Health Information (PHI) Related to Inpatient Facility Directories & for Disaster Relief Purposes; PP.15 Use & Disclosure of Protected Health Information (PHI) for Involvement in Individual’s Care and Notification; and PP.16a-PP.16l (policies related to use & disclosure of PHI without an authorization. Also, please refer to the UW Medicine Security Program Documents for the User Access Policy and the Access Guide.)
2. Obtains any required documentation, statement or representations (verbal/written) from the requestor. Any information received verbally is documented in the designated record set for future reference.

B. If a disclosure is conditioned on particular documentation, statements or representations from the requesting person, UW Medicine may rely on the documentation, statements or representations received or provided:

1. With respect to disclosures for law enforcement purposes, UW Medicine may rely upon a judicial or administrative request, including subpoena or summons, a civil or authorized investigative demand, or similar process as authorized by law demonstrating:

   a. The information sought is relevant and material to a legitimate law enforcement inquiry;
   
   b. The request is specific and limited in scope to the purpose for which it is being sought; and
   
   c. It is unreasonable to use de-identified information.

   See UW Medicine Compliance Policy: PP-16h Use & Disclosure of Protected Health Information Permitted for Law Enforcement Purposes

2. With respect to disclosures for research purposes, a valid IRB waiver is provided. (See UW Medicine Compliance Policy: PP-18 Use & Disclosure of Protected Health Information for Research)

C. UW Medicine must verify the identity of public officials requesting PHI. The following are appropriate methods to verify requests made by a public official or person acting on behalf of a public official:

1. If presenting request in person: Presentation of an agency identification badge, other official credentials or proof of government status;

2. If request is in writing: Appropriate government letterhead; or

3. A written statement on appropriate government letterhead if the person presenting is acting under the government’s authority or some other evidence or agency documentation (for example, contract for services, MOU, PO) that establishes that the person is acting on behalf of the public official.

D. To verify that the public official, or a person acting on their behalf of a public official, has the authority to access PHI, UW Medicine accepts the following documentation:

1. A written statement of legal authority or if a written statement is impracticable, an oral statement of such authority; or
2. A request pursuant to a warrant, subpoena, order or other legal process issued by a grand jury or a judicial or administrative tribunal.

REGULATORY/LEGISLATION/REFERENCES
- 45 CFR Part 164; Section 164.514(h) “Other Requirements Relating to Uses And Disclosures of Protected Health Information – Verification Requirements”

PROCEDURE ADDENDUM(s) REFERENCES LINKS
None.

ROLES AND RESPONSIBILITIES
Defined within POLICY.

AUTHORITIES

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<thead>
<tr>
<th>Custodian</th>
<th>Responsible Officer</th>
<th>Implementation Officer</th>
<th>Administrative Officer</th>
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<td>UW Medicine Compliance</td>
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<td><strong>Author</strong></td>
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<td>UW Medicine Executive Compliance Committee</td>
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APPROVALS

________________________________________          __________________________
UW Privacy Official                  Date
Johnese M. Spisso, Chief Health System Officer,
UW Medicine & Vice President for Medical Affairs, UW