PURPOSE AND SCOPE
This policy describes the circumstances in which UW Medicine may use or disclose protected health information (PHI) for correctional institutions when the purpose of the use or disclosure is not for treatment, payment, healthcare operations nor authorized by the patient. Heightened standards of confidentiality are required when using or disclosing PHI pertaining to sexually transmitted diseases (STDs), human immunodeficiency virus infection/acquired immunodeficiency syndrome (HIV/AIDS), mental health records (except as specified below in Section I.B), drug and alcohol treatment records or sexual assault counseling. Disclosure of PHI of heightened confidentiality for correctional institutions requires a valid patient authorization or a federal or Washington State court order.

This policy is applicable to all UW Medicine entities.

POLICY PRINCIPLES/STATEMENT
See POLICY.

DEFINITIONS
Correctional Institutions are any penal or correctional facility, jail, reformatory, detention center, work farm, half-way house or residential community program center operated by a federal, state, local government agency or Indian Tribe, for the confinement or rehabilitation of persons charged with or convicted of a criminal offense or other persons held in lawful custody.¹

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

¹ Other persons held in lawful custody include juvenile offenders, adjudicated delinquent, aliens awaiting deportation, persons committed to mental institutions through the criminal justice system, witnesses or others awaiting charges or trials.
POLICY

I. Correctional Institutions

A. UW Medicine may use or disclose the minimum necessary PHI to a correctional institution or a law enforcement officer about an inmate or person who is in their lawful custody when the PHI is necessary for:

1. Health and safety of the individual or others;
2. Provision of healthcare to the individual;
3. Health and safety of the officers, employees or others at the correctional institution;
4. Health and safety of individuals, officers or other persons responsible for the transport of inmates;
5. Law enforcement on the premises of the correctional institution; or
6. The administration and maintenance of the safety, security and good order of the correctional institution.

B. Mental Health Services

1. Information and records related to mental health services delivered to an individual who has been detained by the department of corrections must be released, upon request by a mental health service agency, to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The request must be in writing and can only be provided for the purpose of:

   a. Completing presentence investigations;
   b. Supervision of an incarcerated person;
   c. Planning for and provision of supervision of a person;
   d. Assessment of a person’s risk to the community.

II. Documentation of disclosures

UW Medicine will document and retain in electronic or written format a record of all disclosures in accordance with the entity’s record retention policies and procedures. See UW Medicine Compliance Policy: PP.25 Accounting of Disclosures of Protected Health Information.

REGULATORY/LEGISLATION/REFERENCES

- 42 CFR Part 2 – Confidentiality of Alcohol and Drug Abuse Patient Records
- 45 CFR Parts 160 and 164; Section 164.512 – Uses & Disclosures for Which Consent, Authorization or Opportunity to Agree or Object Is Not Required

2 The definition of inmate does not include an individual released on parole, probation, supervised release, and/or otherwise no longer in lawful custody.
• RCW 70.96A.150 – Records of Alcoholics and Intoxicated Persons
• RCW 70.02 – Medical Records – Healthcare Information Access and Disclosure
• RCW 71.05.120 – Mental Health Records

PROCEDURE ADDENDUM(s) REFERENCES/LINKS
• UW Medicine Compliance Policy: PP-00 Glossary of Terms
• UW Medicine Compliance Policy: PP-25 Accounting of Disclosures of Protected Health Information

ROLES AND RESPONSIBILITIES
Defined within POLICY.

AUTHORITIES

<table>
<thead>
<tr>
<th>Custodian</th>
<th>Responsible Officer</th>
<th>Implementation Officer</th>
<th>Administrative Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>UW Medicine Compliance</td>
<td>UW Medicine Compliance</td>
<td>UW Medicine Compliance</td>
<td>UW Medicine Compliance</td>
</tr>
<tr>
<td><strong>Author</strong></td>
<td><strong>Owner</strong></td>
<td><strong>Auditor</strong></td>
<td><strong>Endorser</strong></td>
</tr>
<tr>
<td>UW Medicine Compliance</td>
<td>UW Medicine Compliance</td>
<td>UW Medicine Compliance</td>
<td>UW Medicine Executive Compliance Committee</td>
</tr>
</tbody>
</table>

APPROVALS

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