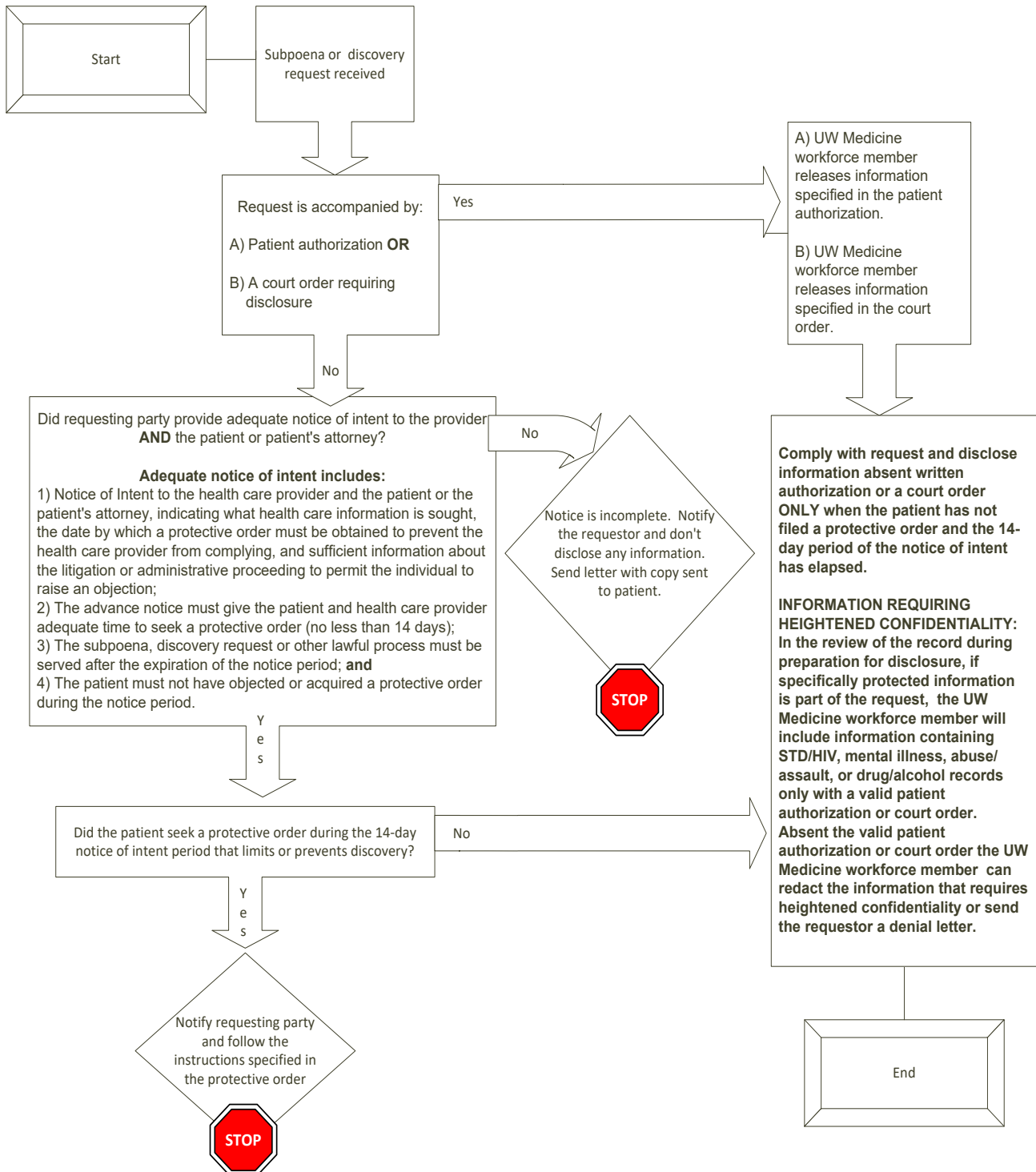


Release of PHI for Judicial and Administrative Proceedings



Note:
This process applies to Washington State and federal requests only. Requests from other states will not be honored without patient authorization or the requestor has worked through the appropriate legal process to meet Washington State Law. UW Medicine workforce member must confer with AGO before releasing any information.

Textual Description of the Decision Tree

This process applies to Washington State and federal requests only. Requests from other states will not be honored without patient authorization or the requestor has worked through the appropriate legal process to meet Washington State Law. UW Medicine workforce member must confer with AGO before releasing any information.

The following flowchart outlines the steps for dealing with requests for release of Protected Health Information (PHI).

1. We receive a subpoena or discovery request.
2. Is the request accompanied by a) patient authorization OR b) a court order requiring disclosure?
 - If yes, proceed to step 3
 - If no, proceed to step 4
3. UW Medicine workforce member releases information specified in the patient authorization or the court order. **Note about information requiring heightened confidentiality:** In the review of the record during preparation for disclosure, if specifically protected information is part of the request, the UW Medicine workforce member will include information containing STD/HIV, mental illness, abuse/assault, or drug/alcohol records only with a valid patient authorization or court order. Absent the valid patient authorization or court order the UW Medicine workforce member can redact the information that requires heightened confidentiality or send the requestor a denial letter. **Stop here.**
4. Did requesting party provide adequate notice of intent to the provider AND the patient or patient's attorney?

Note: Adequate notice of intent includes:

 - a) Notice of Intent to the health care provider and the patient or the patient's attorney, indicating what health care information is sought, the date by which a protective order must be obtained to prevent the health care provider from complying, and sufficient information about the litigation or administrative proceeding to permit the individual to raise an objection;
 - b) The advance notice must give the patient and health care provider adequate time to seek a protective order (no less than 14 days);
 - c) The subpoena, discovery request or other lawful process must be served after the expiration of the notice period; and
 - d) The patient must not have objected or acquired a protective order during the notice period.

Did requesting party provide adequate notice of intent to the provider AND the patient or patient's attorney?

 - If yes, proceed to step 5
 - If no, proceed to step 6
5. Did the patient seek a protective order during the 14-day notice of intent period that limits or prevents discovery?
 - If yes, proceed to step 7
 - If no, proceed to step 8
6. Notice is incomplete. Notify the requestor and don't disclose any information. Send letter with copy sent to patient. **Stop here.**
7. Notify requesting party and follow the instructions specified in the protective order. **Stop here.**
8. Comply with request and disclose information absent written authorization or a court order **only** when the patient has not filed a protective order and the 14-day period of the notice of intent has elapsed. **Note about information requiring heightened confidentiality:** In the review of the record during preparation for disclosure, if specifically protected information is part of the request, the UW Medicine workforce member will include information containing STD/HIV, mental illness, abuse/assault, or drug/alcohol records only with a valid patient authorization or court order. Absent the valid patient authorization or court order the UW Medicine workforce member can redact the information that requires heightened confidentiality or send the requestor a denial letter. **Stop here.**