

POLICY INFORMATION

Policy Title: Permissive Disclosures of PHI for Legal and Public Health Purposes Policy and Procedure

Departmental Owner: Chief Compliance, Audit, and Privacy Officer

Version Effective Date: 2/28/24

Last Reviewed: 2/28/24

SCOPE

This policy applies to the following individuals and/or groups:

All of the below categories

All Employees CT Employees NY Employees Remote Employees Contractors Volunteers Students/Interns Vendors

This policy applies to all above listed Nuvance Health workforce members including but not limited to the following locations:

All of the below entities

Nuvance Health Systems

Danbury Hospital (including New Milford Hospital Campus)

Northern Dutchess Hospital

Norwalk Hospital

Putnam Hospital

Sharon Hospital

Vassar Brothers Medical Center

Health Quest Systems, Inc. "(HQSI)"

Health Quest Home Care, Inc

Hudson Valley Cardiovascular Practice, P.C. (aka The Heart Center) ("HVCP")

Other HQSI-affiliated Entities Not Listed

Western Connecticut Home Care, Inc ("WCHN")

Western Connecticut Health Network Physician Hospital Organization ACO, Inc.

Western Connecticut Home Care, Inc

Other WCHN-affiliated Entities Not Listed

Nuvance Health Medical Practices (NHMP PC, NHMP CT, ENYMS & HVCP)

POLICY STATEMENT/PURPOSE

To outline instances in which disclose of a patient's personal health information ("PHI") can be disclosed by Nuvance Health Systems and its affiliates ("Nuvance") without an Authorization.

DEFINITIONS

See: HIPAA Glossary

POLICY

A. USES AND DISCLOSURES REQUIRED BY LAW

Nuvance 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 45 CFR §164.512.

B. DISCLOSURES RELATED TO PUBLIC HEALTH AUTHORITIES AND/OR ACTIVITIES

1. Nuvance 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

Original Effective Date: LHQ= 9/8/08

Revision Dates: 2/28/24

Supersedes: HQ 5.2.17 Permissive Disclosures of PHI for Legal and Public Health Purposes Policy;
HQ 5.2.17 Permissive Disclosures of PHI for Legal and Public Health Purposes Procedure

- 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, Nuvance may reasonably rely on a minimum necessary determination made by the Public Health Authority.
3. Nuvance 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, Nuvance shall limit the PHI Disclosed to the Minimum Necessary to accomplish the public health purpose.

C. DISCLOSURE RELATED TO LAW ENFORCEMENT

1. Nuvance 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 Nuvance suspects that criminal activity caused the death;
 - e. When Nuvance believes that PHI is evidence of a crime that occurred on its premises;
 - f. In a medical emergency not occurring on Nuvance 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, Nuvance may disclose protected health information about an individual whom Nuvance 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. Nuvance, 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 Nuvance makes a disclosure, Nuvance must promptly inform the individual that such a report has been or will be made, except if:
- i. Nuvance, in the exercise of professional judgment, believes informing the individual would place the individual at risk of serious harm; or
 - ii. Nuvance would be informing a personal representative, and Nuvance 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 Nuvance, in the exercise of professional judgment.

E. HEALTH OVERSIGHT ACTIVITIES

Nuvance 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 Nuvance.

F. 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 Nuvance to disclose PHI.

G. DECEDENTS

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

H. CADAVERIC ORGAN, EYE, OR TISSUE DONATION

Nuvance may use or disclose PHI to facilitate the donation and transplantation of cadaveric organs, eyes, and tissue.

I. RESEARCH

Nuvance 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 Nuvance, 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 Nuvance, documentation of the death of the individuals about whom information is sought.

J. 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).

K. 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.

L. WORKERS' COMPENSATION

Nuvance may disclose PHI as allowed by workers' compensation laws.

PROCEDURE

Nuvance has an effective and timely process for the handling permissive disclosures of protected health information for legal and public policy purposes.

A. DISCLOSURES RELATED TO PUBLIC HEALTH AUTHORITIES AND/OR ACTIVITIES

1. Nuvance may disclose PHI, without 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, Nuvance may reasonably rely on a Minimum Necessary determination made by the Public Health Authority.
3. Nuvance 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 FDA. Examples include:
 - i. Collecting or reporting adverse events of food or dietary products, 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; and
 - e. State reporting purposes.

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4. When releasing PHI for public health purposes, Nuvance shall limit the PHI Disclosed to the Minimum Necessary to accomplish the public health purpose.

B. DISCLOSURE RELATED TO LAW ENFORCEMENT

Nuvance may Disclose PHI, without Authorization for law enforcement purposes when the following conditions are met:

1. Required by law (including court orders, court-ordered warrants, subpoenas) and administrative requests;
2. To identify or locate a suspect, fugitive, material witness, or missing person;
3. In response to a law enforcement official's request for information about a victim or suspected victim of a crime;
4. To alert law enforcement of a person's death, if Nuvance suspects that criminal activity caused the death;
5. When Nuvance believes that PHI is evidence of a crime that occurred on its premises;
6. In a medical emergency not occurring on Nuvance 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.

C. VICTIMS OF ABUSE, NEGLECT OR DOMESTIC VIOLENCE

1. Nuvance may Disclose PHI without Authorization in situations where Disclosure of PHI belonging to victims of abuse, neglect, or domestic violence may be necessary.
2. In the event that the Nuvance Workforce Member reasonably believes a patient is a victim of abuse, neglect or domestic violence, PHI may be provided to a government authority, social service, protective services agency or other agency authorized by law to receive report of such abuse, neglect or domestic violence.
 - a. Nuvance will inform the patient if/when and to what extent this information will be provided to report the abuse, neglect or domestic violence to an authorized agency.
 - b. The patient can refuse to have the abuse, neglect or domestic violence reported.
 - c. Nuvance can overrule the patient's decision to not report the abuse, neglect or domestic violence if it is determined that the reporting is necessary to prevent serious harm to the individual or other potential victims.
 - d. If the patient is unable to agree to have the information reported about abuse, neglect or domestic violence, the information may be Disclosed to an authorized Law Enforcement or other public health official only if the official states that the information is not intended to be used against the patient and that an immediate enforcement activity that depends upon the Disclosure would be significantly adversely affected by waiting until the patient is able to agree.
 - e. Nuvance should not inform the patient of a report of abuse, neglect or domestic violence if it is believed that telling the patient would put them at risk of serious harm.
 - f. Nuvance should not inform a patient's Personal Representative of the report of abuse, neglect or domestic violence if the affiliate believes the Personal Representative is responsible for the abuse, neglect or other injury.

D. HEALTH OVERSIGHT ACTIVITIES

Nuvance 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 Nuvance.

E. 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 Nuvance to disclose PHI.

F. DECEDENTS

Nuvance may Disclose PHI for reasons such as identifying a deceased person or determining the cause of death.

G. CADAVERIC ORGAN, EYE, OR TISSUE DONATION

Nuvance may Use or Disclose PHI to facilitate the donation and transplantation of cadaveric organs, eyes, and tissue.

H. RESEARCH

Nuvance 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 Nuvance, 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 Nuvance, documentation of the death of the individuals about whom information is sought.

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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).

J. 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.

K. WORKERS' COMPENSATION

Nuvance 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

APPROVAL

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Jared B Gaynor

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2/28/2024

Signature

Date