

CHECKLIST FOR DISCLOSURES TO LAW ENFORCEMENT OFFICERS UNDER THE HIPAA PRIVACY REGULATIONS

In general, healthcare providers may disclose patient information to a law enforcement officer in the following circumstances:

- ❑ **Court Order:** The officer provides a court order directing the healthcare provider to release the information.
- ❑ **Search Warrant:** The officer has a search warrant for the information or patient property.
- ❑ **Grand Jury Subpoena:** The officer presents a grand jury subpoena for the information.
- ❑ **Valid Subpoena:** The officer presents a valid subpoena for the information (in some states, the patient's authorization may also be required).
- ❑ **Patient Authorization:** The officer presents a HIPAA-compliant authorization signed by the patient or his legal representative.
- ❑ **Child or Vulnerable Adult Abuse:** The officer requests records concerning abuse or neglect of a child or vulnerable adult and provides the required certification.
- ❑ **Domestic Violence:** The officer requests records for a victim of domestic violence and provides the required certification.
- ❑ **Other Crime Victims:** The officer requests records of other crime victims (other than a child, vulnerable adult, or domestic abuse victim) and provides the required certification.
- ❑ **Patient Participation in a Violent Crime:** The patient has admitted participation in a violent crime that may have caused serious physical harm to a victim.
- ❑ **Suspect, Missing Person, Material Witness, or Fugitive:** The information is needed to help identify or locate a suspect, missing person, material witness, or fugitive.
- ❑ **Crime on Premises:** The information is relevant to a crime committed on the healthcare provider's premises.
- ❑ **Prevention of Serious Harm or Injury:** The release of information is to prevent serious harm or injury from occurring to the patient, another person, or the public.
- ❑ **Required by Law:** State law requires the information to be released.

- ❑ **Medical Examiner or Coroner:** State law requires that the information be released to a medical examiner or coroner.
- ❑ **Correctional Institution:** The patient is in a correctional institution, and the information is needed for the provision of healthcare to an inmate, for the health and safety of the inmate or others at the correctional institution or those transporting the inmates, for law enforcement on the premises of the correctional institution, or the administration and maintenance of safety, security, and good order at the institution.
- ❑ **Treatment:** The information is needed to treat the patient, who is an inmate of the correctional facility.
- ❑ **Health Oversight:** The disclosure is to a law enforcement agency acting as a "health oversight agency," such as the Office of the Inspector General.
- ❑ **National Security:** The disclosure is for certain national security purposes.