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| Section 3 | Compliance Policies | 00/00/03 | - Effective |
| Subject 6.2 | HIPAA: Privacy and Disclosure | | - Revised |
| Policy 6.2.22 | Use & Disclosure of PHI for Specialized Government Functions | Compliance Office | - Reviewed |
| | | | - Author |

Use & Disclosure of PHI for Specialized Government Functions

Audience

The information in this document applies to all UTMB faculty, staff, students, volunteers, and any other contractors or agents granted access to Protected Health Information (PHI).

Definitions

Disclosure: The release, transfer, provision of access to, or divulgence in any other manner, of information to any organization external to UTMB.

Use: With respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within UTMB.

Policy

PHI may be used or disclosed without authorization for specialized government functions. UTMB Police should be contacted for verification of individuals representing a specialized government agency. These specialized government functions include:

1. Armed Forces personnel, the Red Cross, or other authorized agents of the Armed Forces, if deemed necessary by appropriate military command;
2. authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities;
3. authorized federal officials for the provision of protecting the President or foreign heads of state;
4. the Department of State to make medical suitability determinations;
5. a correctional institution or a law enforcement official with lawful custody of an inmate if necessary for the health and safety of such individual, other inmates, officers or other employees at the correctional institution;
6. governmental programs providing public health benefits and governmental agencies administering such programs. (For example: the testing of an individual for communicable diseases, as authorized by Texas criminal law, and by Texas agencies; or intervention programs administered by Texas agencies, such as the Texas HIV partner notification program).

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Use & Disclosure of PHI for Specialized Government Functions, Continued

Military and Veteran Activities

UTMB may use and disclose the PHI of individuals who are Armed Forces personnel for activities deemed necessary by appropriate military command.

UTMB may use and disclose the PHI of individuals who are foreign military personnel to their appropriate foreign military authority for the same purposes for which uses and disclosures are permitted for Armed Forces personnel under the same guidelines that apply to US Armed Forces.

National Security and Intelligence Activities

UTMB may disclose PHI to authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities authorized by law.

Correctional Institutions/ Law Enforcement

UTMB may disclose PHI to a correctional institution or a law enforcement official having lawful custody of an inmate or other individual PHI, if the institution or official represents that such PHI is necessary for:

- A. The provision of health care to such individuals;
- B. The health and safety of such individual or other inmates;
- C. The health and safety of the officers or employees of or others at the correctional institution;
- D. The health and safety of such individuals and officers or other persons responsible for the transporting of inmates or their transfer from one institution, facility, or setting to another;
- E. Law enforcement on the premises of the correctional institution; and
- F. The administration and maintenance of the safety, security, and good order of the correctional institution.

Any component of UTMB that is affiliated with a correctional institution may use PHI of individuals who are inmates for any purpose for which such PHI may be disclosed.

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Use & Disclosure of PHI for Specialized Government Functions, Continued

Correctional Institutions/Law Enforcement (cont'd)

For the purposes of this provision, an individual is no longer an inmate when released on parole, probation, supervised release, or otherwise is no longer in lawful custody.

Departments/Components Administering Government Programs

Any UTMB health plan that is a government program providing public benefits **may disclose PHI** to another agency *either to enroll or determine member eligibility*. Such UTMB health plan may do so if the sharing of PHI information is required or authorized by statute.

Any UTMB department administering a government (state or federal) program providing public benefits may disclose PHI to another covered entity that is a like agency as long as the programs *serve the same or similar populations* and:

- the *disclosure of PHI is necessary to coordinate the covered functions* of such programs or
- to *improve administration and management* relating to the covered functions of such programs.

Enforcement

All supervisors are responsible for enforcing this policy. Individuals who violate this policy will be subject to the appropriate and applicable disciplinary process, up to and including termination or dismissal.

References

45 C.F.R. §164.512(k)
