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| **POLICY TITLE:** | Release of PHI in the Event of a Disaster Policy - CP37 |
| **APPLIES TO:** | All Clinical Staff at Caregiver Grove Behavioral Health |
| **EFFECTIVE DATE:** | April 1, 2017 |
| **ANNUAL**  **REVIEW DATE:** | January 1 (each calendar year)  Reviewed: August 7, 2024 |
| **PURPOSE:** | In the event of a disaster, individuals who are displaced, injured or ill will require immediate access to health care and means of contacting family and caregivers. The HIPAA Privacy Rule protects the privacy of the client’s health information but is balanced to ensure that appropriate uses and disclosures of the information still may be made when it is necessary to treat a client, to protect the nation’s public health, and for other critical purposes. |
| **DEFINITION:** | **Disaster**:   * Any unforeseen event that has the potential to cause severe harm to IT infrastructure. * An occurrence that disrupts operations and requires contingency planning. * An event beyond organizational control that compromises sensitive health information (ePHI).   **Minimum Necessary:**  For most disclosures, a covered entity must make reasonable efforts to limit the information disclosed to that which is the “minimum necessary” to accomplish the purpose. |
| **POLICY** | Providers covered by the HIPAA Privacy Rule can release PHI (following minimum use necessary standards) for the following reasons:  • If necessary to treat the patient or a different patient   * Under the HIPAA Privacy Rule, covered entities may disclose, without a patient’s authorization, PHI about the individual as necessary to treat the patient or to treat a different patient. Treatment includes the coordination or management of healthcare and related services by one or more healthcare providers and others, consultation between providers, providing follow-up information to an initial provider, and the referral of patients for treatment.   • To a public health authority authorized by law to collect or receive such information   * The HIPAA Privacy Rule recognizes the legitimate need for public health authorities and others responsible for ensuring public health and safety to have access to PHI that is necessary to carry out their public health mission * At the direction of a public health authority, to a foreign agency acting in collaboration with the public health authority   • To persons at risk of contracting or spreading a disease or condition (if authorized by other law)  • With certain people involved with patient’s care/ responsible for the patient for reunification or when in the patient’s best interest  • When there is imminent threat to public health/ safety   * Healthcare providers may share patient information with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public – consistent with applicable law (such as state statutes, regulations, or case law) and the provider’s standards of ethical conduct.     **Disclosures to Family, Friends, and Others Involved in an Individual’s Care and for Notification**.  Caregiver Grove may share PHI with a patient’s family members, relatives, friends, or other persons identified by the patient as involved in the patient’s care. Caregiver Grove may also share information about a patient as necessary to identify, locate, and notify family members, guardians, or anyone else responsible for the patient’s care, of the patient’s location, general condition, or death. This may include—if necessary to notify family members and others—the police, the press, or the public at large.  • Caregiver Grove must have verbal permission from clients or otherwise be able to reasonably infer that the client does not object, when possible; if the individual is incapacitated or not available, covered entities may share information for these purposes if, in their professional judgment, doing so is in the patient’s best interest.  • In addition, Caregiver Grove may share PHI with disaster relief organizations such as the American Red Cross, which are authorized by law or by their charters to assist in disaster relief efforts, for the purpose of coordinating the notification of family members or other persons involved in the patient’s care, of the patient’s location, general condition, or death. It is unnecessary to obtain a patient’s permission to share the information in this situation if doing so would interfere with the organization’s ability to respond to the emergency.  Caregiver Grove Behavioral Health will create and maintain a disaster recovery plan which provides the process of recovering information systems following a system disaster.  The plan will include the following details:   * Documentation of all applications and prioritization for recovery. * Contingency site for data operations. * Procedures to contingency site and return from the site. * Define the recovery team and their specific roles.   Testing and reviewing the plan will be scheduled every calendar year.  Results of the testing must be documented and revised if necessary. |
| **APPLICABLE STANDARDS:** | OAC 5122-26-08; 5122-26-08.1  CARF 1.J  HIPAA |
| **EXCEPTIONS:** |  |
| **APPROVERS:** | John Tooson IV | Chief Executive Officer (CEO)  Arnethia Levey | Vice President, Program Development & Compliance |