Use and Disclosure of Protected Health Information - Law Enforcement

Scope:
All Employees

Subject:
Use and Disclosure of Protected Health Information - Law Enforcement

Purpose:
In order to become compliant with the Privacy Rules of the Health Insurance Portability and

Related Policies and Procedures:
087.LL.055A: Use and Disclosure for Public Interest or Benefit
087.LL.055B: Use and Disclosure for Public Interest or Benefit

Policy:
We will disclose a member's Protected Health Information to law enforcement officials, as required by law.

Identity and Authority Verification:
All disclosures made under this policy shall be made only after the identity and authority of any law enforcement official requesting such disclosure has been verified, and the requisite documentation required for the disclosure has been obtained, as applicable. Identity and authority verification shall be made pursuant to BCBST’s Identity and Authority Verification Policy and Procedures.

Accounting of Disclosures:
All disclosures made under this policy must be accounted for pursuant to BCBST’s Accounting of Disclosures of Protected Health Information Policy and Procedures. BCBST will temporarily suspend an individual’s right to receive an accounting of disclosures to a law enforcement official for the time specified by the law enforcement official, if the official provides BCBST with a written statement that the accounting would be reasonably likely to impede the agency’s activities, and specifies the time for which such a suspension is required.

Special Circumstances:

- AIDS-HIV-ARC: BCBST will not disclose Protected Health Information that is HIV-, AIDS-, or ARC-related, unless expressly authorized by the individual who is the subject of the information to be disclosed, or unless ordered to by a court after an in camera review of the records. Only those authorizations meeting the requirements of the HIPAA Privacy Rule will be accepted.
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- **Mental Health Information:** BCBST will not disclose Protected Health Information that is mental health-related, unless expressly authorized by the individual who is the subject of the information to be disclosed, or unless a court directs upon its determination that the disclosure is necessary for the conduct of the proceedings before it, and that failure to make the disclosure would be contrary to the public interest. Only those authorizations meeting the requirements of the HIPAA Privacy Rule will be accepted.

- **Substance Abuse Information:** BCBST will not disclose Protected Health Information that is substance abuse-related unless expressly authorized by the individual who is the subject of the information to be disclosed, or unless ordered by a court, provided the purpose of the order is only to authorize a disclosure of information which would otherwise be prohibited under 42 U.S.C. 290dd-2 and the Federal Substance Abuse Regulations, 42 C.F.R. §2.1 et seq. Substance abuse-related Protected Health Information will be disclosed by HMSA only upon service of both a court order and subpoena, pursuant to 42 C.F.R. §2.61. All court orders will be reviewed for regulatory compliance prior to disclosing the requested information. Only those authorizations meeting the requirements of the HIPAA Privacy Rule will be accepted.

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