

Wood County Board of Developmental Disabilities

POLICY

Policy #: 01-ALL-ALL-0135 Subject: HIPAA (Identity Verification for PHI Release)
Effective Date: 04-01-03 Last Revision: 09-23-13
Person Responsible: HIPAA Privacy Officer
Approvals/Date: Brent Bauer 12/11/17 Date Board President, WCBDD 12/11/17 Date
Superintendent, WCBDD

The following definitions apply:

Disclosure – The release, transfer, provision of access to, or divulging in any manner (orally, written, electronically, or other) of information outside the entity holding the information.

Individual, or Individual receiving services – A person who received services from WCBDD. In the event that the individual is a minor, the term "individual" in this policy may also include the parent or guardian of the individual. In addition, in regard to any privacy rights, individual may also mean an individual's "personal representative" as it is defined under HIPAA regulations.

Personal Representative – A person who has authority under applicable law to make decisions related to health care on behalf of an adult or an emancipated minor, or the parent, guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor, except where the minor is authorized by law to consent, on his/her own or via court approval, to a health care service, or where the parent, guardian or person acting in loco parentis has assented to an agreement of confidentiality between the WCBDD and the minor.

Protected Health Information or PHI – Individually identifiable information that is (i) transmitted by electronic media, (ii) Maintained in electronic media, or (iii) transmitted or maintained in any other form or medium. Records of individual's deceased for more than 50 years are not PHI. For the purposes of this manual, and the board's compliance program, PHI shall also include "Education Records" as defined by FERPA. This creates a consistent set of policies for both types of confidential information.

WCBDD will take reasonable steps to verify the identity and/or the authority of the person requesting protected health information (PHI) of an individual.

Requests from a Public Official or Authority (Identity and Authority are Verified):

1. **Verifying Identity and Authority** - In verifying the identity and legal authority of a public official or a person acting on behalf of the public official requesting disclosure of PHI, WCBDD personnel may rely on the following, if such reliance is reasonable under the circumstances, when disclosing PHI:
 - A. Documentation, statements, or representations that, on their face, meet the applicable requirements for a disclosure of PHI;
 - B. Presentation of an agency identification badge, other official credentials, or other proof of government status if the request is made in person;
 - C. A written statement on appropriate government letterhead that the person is acting under the government's authority;
 - D. Other evidence of documentation from an agency, such as a contract for services memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official;
 - E. A written statement of the legal authority under which the information is requested;
 - F. If a written statement would be impracticable, an oral statement of such legal authority;
 - G. A request that is made pursuant to a court order and subpoena or other legal process issued by a grand jury or a judicial or administrative tribunal that is presumed to constitute legal authority.
2. The following issues should be addressed before releasing PHI once a request is received:
 - A. Is the requester who she/he claims to be;
 - B. Does the requestor have the authority to request PHI. If the request involves a court order, subpoena, or other legal request, follow the procedures outlined in Policy 01-ALL-ALL-0133 HIPAA (Permissive Information Disclosure).

Requests from and Individual Receiving Services, Parent, Guardian or Personal Representative (Only Identity is Verified):

1. **Verifying Identity of Unknown Person** - Individuals receiving services and parents often are all known to staff. In the event that the individual or parent is not known, or a personal representative who is unknown requests protected health information, the employee shall verify the identity of the personal representative:
 - A. Ask another employee if they know the person;
 - B. Question the personal representative regarding their knowledge of information in the record of the individual being served, such as birth date, social security number, etc., which only an authorized person would typically know.

References: 01-ALL-ALL-0133

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