

**GUIDE FOR RESPONDING TO REQUESTS BY LAW ENFORCEMENT FOR PHI**

<b>Disclosure Without a Warrant or Court or Administrative Order</b>	
<b>Type of PHI Request</b>	<b>Disclosure Requirements</b>
<b>Child Abuse or Neglect</b>	<u>Disclosure can be made</u> to a public health authority or other government authority authorized by law to receive reports of such cases.
<b>Domestic Abuse, Neglect or Violence</b>	<u>If the Pharmacy reasonably believes a patient is a victim of domestic abuse, neglect or violence</u> (usually on the basis of what is said at the time of the request for the patient’s PHI), <u>the Pharmacy can disclose</u> the patient’s PHI to a government authority or a social service agency authorized by law to receive reports of such cases. <u>The disclosure is limited</u> to the requirements of local law. <u>Note:</u> If the patient has not agreed to the disclosure or is not able to agree, the official requesting the PHI must inform the Pharmacy that <u>the information is not to be used against the patient and that there is an immediate need for enforcement activity</u> . When the disclosure has been made, the Pharmacy must <u>notify the patient</u> unless in the exercise of its professional judgment <u>doing so would place the patient at risk of serious harm</u> .
<b>Locating a Person</b>	Where the law enforcement request for PHI is for the purpose of identifying or locating <u>a suspect, a fugitive, a material witness or a missing person</u> , the <b>Pharmacy can only disclose</b> what its records contain as to a name and address, a date of birth, a social security number, blood type and rh, injury, date and time of treatment, death, and a general description of physical appearance.
<b>Victims of Crime</b>	The Pharmacy can disclose a patient’s PHI in response to a law enforcement official’s request <u>when the patient is, or is suspected to be a victim of a crime (not including child or domestic abuse)</u> and the official informs the Pharmacy that the information is needed to determine whether <u>someone other than the patient has violated the law</u> , and that there is <u>an immediate need</u> for law enforcement activity that depends on the disclosure, and in the exercise of its professional judgment the Pharmacy determines that disclosure is in the best interests of the patient.
<b>Crime on the Premises</b>	The Pharmacy can disclose PHI to a law enforcement official when <u>the Pharmacy in good faith believes that the PHI is evidence of a crime that occurred on the Pharmacy’s premises</u> . (Until we have an “official” interpretation of what this Part means, we are inclined to believe that it could cover prescriptions that indicate an unlawful use of controlled substances).
<b>Reports Required by State or Federal Law</b>	Certain state and federal laws that have obligated health care providers to report wounds, injuries, diseases and the like <u>still remain in effect</u> . <u>To the extent that the Pharmacy was obliged to disclose PHI in accordance with those laws in the past, its duty to do so also remains in effect and is not nullified by the Privacy Rule</u> . (Note: Some state laws that are less restrictive as to disclosure of PHI are preempted by HIPAA. If in doubt, consult the local Pharmacy Board.)
<b>Disclosure With a Warrant or a Court or Administrative Order</b>	
<b>Type of PHI Request</b>	<b>Disclosure Requirements</b>
<b>Warrants or Orders</b>	When a law enforcement official presents the Pharmacy with a warrant or other similar order issued by a judicial officer, or a grand jury subpoena or an administrative investigative demand that is authorized by law, the Pharmacy can disclose the PHI called for. In the case of an administrative demand, the Pharmacy needs to be reasonably satisfied that the information is relevant to a lawful inquiry that the request is limited and specific and that de-identified information could not be used.

