



<b>VOLUME 13: PRIVACY</b>	Effective Date: 2/15/12
<b>CHAPTER 6</b>	Revision Date: 09/2015
<b>13.6 USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION: SPECIAL EXCEPTIONS POLICY</b>	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

**I. POLICY**

California Correctional Health Care Services (CCHCS) workforce members may use or disclose Protected Health Information (PHI) as permitted or required by the special exceptions specified in this policy.

**II. PURPOSE**

To authorize certain uses and/or disclosures of PHI based on specified exceptions in the law authorizing disclosure of PHI without patient authorization.

**III. DEFINITIONS**

**Disclosure:** The release, transfer, provision of access to, or divulging in any other manner, of information outside the entity holding the information.

**Protected Health Information:** Information created or received by CCHCS which identifies or can be used to identify an individual as it relates to past, present, or future health conditions; health care services provided to the individual; or health care related payments. This applies to information that is transmitted or maintained in verbal, paper, or electronic form.

**Workforce:** Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for CCHCS or a business associate, is under the direct control of CCHCS or a business associate, whether or not they are paid by CCHCS or the business associate.

**IV. RESPONSIBILITY**

Oversight responsibility of the Privacy Office shall be vested in the Privacy Officer. The Privacy Officer is required to oversee privacy rights as required by laws, policies, and standards for respecting the rights of individuals with regard to the collection, use, and disclosure of personal information throughout CCHCS.

**V. USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION**

**A. General Rules on the Use and Disclosure of PHI**

As outlined in detail in Inmate Medical Services Policies and Procedures (IMSP&P), Volume 13, Chapter 1, General Use and Disclosure of Protected Health Information Policy, and IMSP&P, Volume 13, Chapter 2, Use and Disclosure of Protected Health Information Based on Patient Authorization Policy, CCHCS workforce members may use and disclose PHI without a patient’s authorization for certain Treatment, Payment or Health Care Operations (TPO) activities, pursuant to and in compliance with a valid

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patient authorization, without a patient's authorization pursuant to the specific exceptions in this policy, or as otherwise specifically permitted or required by law.

## **B. When Patient Authorization is not Required**

1. PHI may be used or disclosed without a valid authorization pursuant to an exception required or permitted by law. All disclosures of health records under this policy must be performed by Health Information Management (HIM) staff in accordance with HIM policies and procedures, including requirements related to tracking of disclosures.
2. The following is a non-exclusive list of exceptions under which CCHCS is permitted to use or disclose PHI without patient authorization for reasons other than for TPO:
  - a. CCHCS may use or disclose PHI when required to do so by federal, state, or local law.
  - b. CCHCS may use or disclose PHI where the use or disclosure is otherwise specifically permitted by law, including, but not limited to, the voluntary reporting to the U.S. Food and Drug Administration of adverse events related to drug products or medical device problems.
  - c. CCHCS may disclose PHI to a coroner or medical examiner, for the purpose of identifying a deceased person, determining a cause of death, or other duties authorized by law.
  - d. CCHCS may disclose PHI for health oversight activities authorized by law, including audits; civil, criminal, or administrative investigations, prosecutions, or actions; and licensing or disciplinary actions.
  - e. Unless prohibited, or otherwise limited by federal or state law applicable to the program or activity requirements, CCHCS may disclose PHI for judicial or administrative proceedings, in response to an order of a court, a valid subpoena, search warrant, or other lawful process.
  - f. For limited law enforcement purposes, to the extent authorized by applicable federal or state law, CCHCS may report certain injuries or wounds; provide information to identify or locate a suspect, victim, or witness; alert law enforcement of a death as a result of criminal conduct; and provide information which constitutes evidence of criminal conduct on CCHCS premises.
  - g. CCHCS may disclose PHI to organ procurement organizations or other entities engaged in procuring, banking, or transplantation of cadaver organs, eyes, or tissue, for the purpose of facilitating transplantation.
  - h. CCHCS may disclose PHI to a local health department for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events, including death, and the conduct of public health surveillance, public health investigations, and public health interventions, as authorized or required by state or federal law or regulations.
  - i. CCHCS may disclose PHI to entities providing mere courier services without requiring routine access to such PHI, such as the U.S. Postal Service or United Parcel Service and their electronic equivalents, such as internet service providers providing mere data transmission services as described in 45 CFR Section 160.103.

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## VI. TRAINING REQUIREMENTS AND CONTACT INFORMATION

- A. Privacy training is required for new employees during New Employee Orientation and annually thereafter.
- B. For questions or clarification, please contact: [Privacy@cdcr.ca.gov](mailto:Privacy@cdcr.ca.gov) or 1-877-974-4722.

## VII. REFERENCES

- Code of Federal Regulations, Title 45, Subtitle A, Subchapter C, Part 160, Subpart A, Section 160.103 - Definitions
- Code of Federal Regulations, Title 45, Subtitle A, Subchapter C, Part 164, Subpart E, Section 164.512 - Uses and disclosures for which an authorization or opportunity to agree or object is not required
- California Civil Code, Division 1, Part 2.6, Chapter 2, Section 56.10
- California Correctional Health Care Services, Inmate Medical Services Policies and Procedures, Volume 6, Health Information Management
- California Correctional Health Care Services, Inmate Medical Services Policies and Procedures, Volume 13, Chapter 1, General Use and Disclosure of Protected Health Information Policy
- California Correctional Health Care Services, Inmate Medical Services Policies and Procedures, Volume 13, Chapter 2, Use and Disclosure of Protected Health Information Based on Patient Authorization Policy