

Great Rivers Behavioral Health Administrative Services Organization

Policy Title:	Use and Disclosure of PHI for Serious Threat	Policy No. 5025.00
Category:	HIPAA Privacy & Security	Date Adopted: 01/10/2020 Date Adopted: Date Revised:
Reference:	Washington Health Care Authority Contract with Great Rivers Behavioral Health Organization 45 CFR 164.512(j)(1)	

POLICY:

Great Rivers Behavioral Health Administrative Services Organization (Great Rivers BH-ASO), in an effort to be compliant with the Privacy Rules of HIPAA's Administrative Simplification provisions, sets out, in this policy, the conditions for providing (PHI) to avert a serious threat to health or safety.

- 1.2. Great Rivers BH-ASO may use or disclose protected health information (PHI) to avert a serious threat to health or safety when the purpose of the use or disclosure is not authorized by an individual nor is it for treatment, payment, or healthcare operations.

PROCEDURE:

- 2.1. **Use or Disclosure.** Consistent with applicable law and standards of ethical conduct, Great Rivers BH-ASO may use or disclose PHI if it believes in good faith that:
 - 2.1.1. It is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public, and the disclosure is to a person or persons reasonably able to prevent or lessen the threat, including the probable victim(s). In this situation, only the minimum necessary information the recipient needs may be disclosed. Information concerning mental health treatment, STD, HIV, AIDs, or drug/alcohol treatment should only be disclosed if relevant and absolutely necessary.
 - 2.1.2. An individual has escaped from a correctional institution or other lawful custody.
 - 2.1.3. An individual admits to participating in a violent crime that may have caused serious physical harm to another and there is a serious threat to the health or safety of the patient or the other individual. Only the minimum necessary information to minimize the danger should be released, not to exceed the following:
 - 2.1.3.1. Name and address;
 - 2.1.3.2. Date and place of birth;
 - 2.1.3.3. Social security number;
 - 2.1.3.4. ABO blood type and Rh factor;
 - 2.1.3.5. Type of injury;
 - 2.1.3.6. Date and time of death, if applicable; and
 - 2.1.3.7. Description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, facial hair, tattoos, etc.

- 2.2. **Duty to Warn.** Great Rivers BH-ASO healthcare professionals have a duty to warn, or to take reasonable precautions to provide protection from violent behavior when the patient presents as a reasonably foreseeable threat of physical harm to either an identifiable victim or the public. In these situations, a healthcare professional must make reasonable efforts to communicate the threat to the victim(s) and to law enforcement. In this situation, the professional may only disclose:
- 2.2.1. Dates of admission and discharge;
 - 2.2.2. Authorized and unauthorized absences from the facility; and
 - 2.2.3. Other information pertinent to the threat or harassment.
- 2.3. **Exception:** Great Rivers BH-ASO may not disclose PHI if the information is learned:
- 2.3.1. In the course of treatment to affect the propensity (that is, the inclination or tendency) to commit the criminal conduct that is the basis for the disclosure; or
 - 2.3.2. Through a request by the individual to be referred or to start treatment, counseling, or therapy for treatment to affect the propensity to commit criminal conduct.
 - 2.3.3. In determining whether a particular set of facts creates a mandatory or discretionary duty to warn on the part of the healthcare professional, he or she should consult with professional colleagues.
- 2.4. **Documentation of Disclosures.** Great Rivers BH-ASO shall document and retain in electronic format a record of all disclosures made under this policy for 6 years.

PROCEDURE SIGNATURE

Edna J. Fund, Chair
Great Rivers BH-ASO Governing Board

Date