		Department:	Policy No.:
€ ₩	HAWAII HEALTH SYSTEMS C O R P O R A T I O N "Quality Healthcare For All"	Quality through Compliance	CMP 036A
			Revision No.:
		Issued by:	Effective Date:
	POLICY	Audit and Compliance Committee	September 19, 2013
HIPAA Government Functions Use and Disclosure		Approved by: Cakae Van Comp	Supersedes Policy:
		HHSC Board of Directors By: Carol A. VanCamp	Page:
		Its: Secretary/Treasurer	1 of 2

Last Reviewed: August 19, 2013. Next Review: August 19, 2016

- I. PURPOSE: To define the permitted uses and disclosures of protected health information for specialized government functions, without written consent or authorization of the individual or the opportunity for the individual to agree or object.
- II. **DEFINITIONS**: None.
- III. POLICY:
 - A. Permitted uses and disclosures:
 - 1. Military and veterans activities (see Attachment A):
 - a. Hawaii Health Systems Corporation (HHSC) may use and disclose the protected health information of individuals who are Armed Forces personnel for activities deemed necessary by the appropriate military command authorities to assure the proper execution of the military mission.
 - b. Authority is defined in notice published in the Federal Register with the following information:
 - i. The appropriate military command authorities
 - The purposes for which the protected health information may be used or disclosed
 - Foreign military personnel: HHSC may use and disclose the protected health information of individuals who are foreign military personnel to their appropriate foreign military authority for the same purposes for which uses and disclosures are permitted for Armed Forces personnel under the notice published in the Federal Register pursuant to Section A1.
 - 3. National security and intelligence activities:
 - a. HHSC may disclose protected health information to authorized federal officials for the conduct of lawful intelligence, counter-intelligence and other national security activities.
 - b. Authority is defined by the National Security Act (50 U.S.C. 401, et seq.) and implementing authority (e.g., Executive Order 12333).
 - 4. Protective services for the President and others:
 - a. HHSC may disclose protected health information to authorized federal officials for the provision of protective services to the President or other persons.
 - b. Authority is defined for provision of protective services as follows:
 - i. To President or other persons: 18 U.S.C. 3056
 - ii. To foreign heads of state or other persons: 22 U.S.C. 2709(A)(3)
 - iii. For conduct of investigations: 18 U.S.C. 871 and 879.
 - Correctional institutions and other law enforcement custodial situations: For permitted disclosures to a correctional institution or a law enforcement official having

- lawful custody of an inmate or other individual, refer to HHSC policy on Release of Information for Law Enforcement Purposes (CMP 050A).
- B. Release of information: The Health Information Management Department or its designee will receive and respond to requests for the disclosure of protected health information permitted under this policy.
- C. Verification: HHSC will verify the identity and authority of the requestor prior to any release of protected health information as follows:
 - 1. Identify in accordance with HHSC policy on Verification Prior to Disclosure (CMP 047A).
 - 2. Authority as noted in Section A; or if not specifically noted, in accordance with HHSC policy on verification (CMP 047A).
- D. Accounting for disclosure: An accounting of any disclosure under this policy will be made as directed by administrative policy on Accounting for Disclosures (CMP 0040), except for disclosures:
 - 1. For national security or intelligence purposes as provided in Section A-3 of this policy.
- E. To correctional institutions or law enforcement officials as provided in Section A-5 and HHSC policy on Disclosure of Release of Information for Law Enforcement Purposes (CMP 050A). 164.512(k)(4).
- F. HHSC facilities shall implement procedures to operationalize this Policy.
- IV. APPLICABILITY: This Policy applies to all HHSC Facilities.
- V. AUTHORITY: Standards for Privacy of Individually Identifiable Health Information (HIPAA), 45 CFR, Subtitle A, Subchapter C, Sections 164.512(k). CMP 047A; CMP 050A.
- VI. ATTACHMENTS: Attachment A: "Request for Health Information on Active Military Personnel"

ATTACHMENT A Request for Health Information on Active Military Personnel

45 CFR, 164.512(k)((1)(i): Uses and Disclosures for Armed Forces Personnel. A covered entity may use and disclose the protected health information (PHI) of individuals who are Armed Forces personnel for activities deemed necessary by appropriate military command authorities to assure the proper execution of the military mission if the appropriate military authority has published by notice in the Federal Register the following information: (A) Appropriate military command authorities, and (B) The purposes for which the PHI may be used or disclosed. DoD 6025.18-R, "DoD Health Information Privacy Regulation" (effective April 14, 2003) describes implementation of these provisions

TO: _	(Name of facility or health care provider)		
comn	is an active duty member of the Armed Forces and is under my nand. I am requesting health information/records on said individual for the following reason(s):		
	To determine the member's fitness for duty, including but not limited to the member's compliance with standards and all activities carried out under the authority of DoD Directive 1308.1, "DoD Physical Fitness and Body Fat Program," July 20, 1995, DoD Instruction 1332.38, "Physical Disability Evaluation," November 14, 1996, DoD Directive 5210.42, "Nuclear Weapons Personnel Reliability Program (PRP)," January 8, 2001, and similar requirements.		
	To determine the member's fitness to perform any particular mission, assignment, order or duty, including compliance with any actions required as a precondition to performance of such mission, assignment, order, or duty.		
	To carry out activities under the authority of DoD Directive 6490.2, "Joint Medical Surveillance," August 30, 1997.		
	To report on casualties in any military operation or activity in accordance with applicable military regulations or procedures.		
	To carry out any other activity necessary to the proper execution of the mission of the Armed Forces.		
subst	erstand that release of health information that contains HIV status, mental health information, or ance abuse treatment will be subject to specific consent from the individual as required under all State law.		
Ple	ase complete only if another person has been designated to receive the PHI		
	ve designated the following individual to receive this information on my behalf to carry out an vity under my command:		
Nan	ne of designated person:		
			
Signati	ure of Commanding Officer Rank, Military ID#		
Print na	ame of commanding officer Date		
To be	completed if health designee picked up		
Signati	ure of designated person Rank, Military ID#		
Print na	ame (designated person) Dae		