

**EMPLOYEE GROUP INSURANCE
TREATMENT OF PROTECTED HEALTH INFORMATION**

Section 4.3: Uses and Disclosures Required by Law	Page: 1 of 2
Effective Date: April 14, 2003	

POLICY

EGI shall permit uses and disclosures of PHI without prior written authorization to the extent that such uses and disclosures are required by law and comply with and are limited to the relevant requirements of such law. All Uses and Disclosures made pursuant to this section must be made by the Contact Person in consultation with the Privacy Officer according to these procedures.

EGI may Use and Disclose PHI without prior written authorization to the extent that such Uses and Disclosures are required by law and comply with and are limited to the relevant requirements of such law. The minimum necessary rule does not apply to Disclosures that are required by law and are made according to this Policy.

- a. *Definition of "Required by Law."* For purposes of this Manual, the term "required by law" means a mandate contained in law that compels EGI to make a Use or Disclosure of PHI and is enforceable in a court of law. The term includes, but is not limited to, court orders and court-ordered warrants; subpoenas or summons issued by a court, grand jury, a governmental or tribal inspector general, or an administrative body authorized to require the production of information; a civil or an authorized investigative demand; Medicare conditions of participation with respect to health care providers participating in the Medicare program; and statutes or regulations that require the production of information, including statutes or regulations that require such information if payment is sought under a government program providing public benefits.
- b. *Mandatory versus Permissive Legal Requirements.* EGI shall identify whether a requested Use or Disclosure is *required* by law and the relevant requirements of such law and comply with such requirements when Using or Disclosing PHI pursuant to that law.

EGI may require the requestor to provide proof that the requested information is required to be disclosed by EGI. If EGI determines that a Use or Disclosure is required by law, EGI shall Use or Disclose the PHI that the law requires be Used or Disclosed as requested. If EGI determines the requested Use or Disclosure is merely *permitted*, and not *required*, by law, EGI shall determine if the Use or Disclosure is permitted under another section of this Manual as a permissible Disclosure and follow all requirements set forth in that section.

- c. If EGI determines that the Use or Disclosure is not required by law and is not permitted under another section of this Manual, EGI must obtain an authorization from the individual who is the subject of the PHI; De-identify the information before Using or Disclosing it; require the requestor to obtain the authorization of the individual or require the requestor to provide a court order or other legal process that would authorize EGI to release the information.
- d. No Duty To Disclose. This Section does not create any duty or obligation to Use or Disclose PHI to a requestor. Rather, this Section *permits* EGI to Use or Disclose PHI when EGI is required by law to do so.

REFERENCES/CITATIONS

45 C.F.R. §§ 164.501, 164.512(a) (2001)

65 Fed. Reg. 82462, 82485, 82524-25, 82666-68 (Dec. 28, 2000); 67 Fed. Reg. 53182, 53195, 53198-99, 53208 (Aug. 14, 2002)