

PRIVACY 17.0

DISCLOSURES TO CORRECTIONAL INSTITUTIONS OR LAW ENFORCEMENT WITH LAWFUL CUSTODY

Scope: All [workforce](#) members (employees and non-employees), including employed medical staff, management, and others who have direct or indirect [access](#) to patient [protected health information \(PHI\)](#) created, held or maintained by any subsidiaries of Universal Health Services, Inc., including facilities and UHS of Delaware Inc. (collectively, “UHS”), including UHS [covered entities](#) (“Facilities”).

Purpose: Identifies when Facilities may [use](#) and [disclose PHI](#) of patients in a [correctional institution](#) and in the custody of [law enforcement](#).

Definitions:

Terms not defined in this Policy or the *HIPAA Terms and Definitions* maintained by the UHS Compliance Office will have the meaning as defined in any related State or Federal privacy law including the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (“HIPAA”) and regulations promulgated thereunder by the U.S. Department of Health and Human Services (“HHS”) at 45 CFR Part 160 and 164, Subparts A and E (“Privacy Regulations” or “Privacy Rule”) and Subparts A and C (“Security Regulations” or “Security Rule”), the Health Information Technology for Economic and Clinical Health Act (“HITECH”) privacy and security provisions of the American Recovery and Reinvestment Act (Stimulus Act) for Long Term Care, Public Law 111-5, the American Recovery and Reinvestment Act of 2009 (“ARRA”), Title XIII and related regulations.

Policy:

[PHI](#) of [inmates](#) in a [correctional institution](#) or in the custody of [law enforcement officials](#) will be [disclosed](#) only as permitted or required by law. For the purposes of this Policy, an individual is no longer an [inmate](#) when released on parole, probation, supervised release, or otherwise is no longer in lawful custody.

Procedure:

A Facility may disclose an individual’s PHI to a correctional institution where the individual is an inmate or to a law enforcement official having lawful custody of the individual as described below. State law may impose additional requirements – Facilities will contact the UHS Legal Department if they have any questions regarding the state laws applicable to them.

Disclosure of PHI To Correctional Institutions and Law Enforcement Officials having Custody of the Individual

A Facility may disclose to a correctional institution or a law enforcement official having lawful custody of an inmate or other individual the PHI of such inmate or individual if the correctional institution or law enforcement official represents that such PHI is necessary for:

- The provision of health care to the individual;
- The health and safety of the individual or other inmates;
- The health and safety of the officers of, the employees of, or others at the correctional institution;
- The health and safety of persons responsible for the transporting of inmates or their transfer from one institution, facility, or setting to another;
- Law enforcement on the premises of the correctional institution; and
- The administration and maintenance of the safety, security, and good order of the correctional institution.

A person is no longer an “inmate” when released on parole, probation, supervised release or otherwise not in lawful custody.

Disclosure to Law Enforcement for Purposes of Identifying or Apprehending an Individual

UHS may make a limited disclosure of PHI to law enforcement officials to provide information for identifying or locating a fugitive from a correctional institution, as described in and subject to the restrictions of UHS Privacy 16.0 *Disclosures for Law Enforcement Purposes*.

State Law

State law may impose additional requirements – Facilities will contact the UHS Legal Department if they have any questions regarding the state laws applicable to them.

References:

45 C.F.R. §164.512(k)(5)

Related UHS Policies:

UHS Privacy 16.0 *Disclosures for Law Enforcement Purposes*

UHS Privacy 25.0 *Uses and Disclosures Not Requiring an Opportunity for Patient to Agree/Object*

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Reviewed and Approved by:

UHS Compliance Committee