

The University of Iowa
HIPAA Privacy Rule
Policies and Procedures

VERIFICATION OF IDENTITY AND AUTHORITY OF PERSONS REQUESTING
PROTECTED HEALTH INFORMATION

Purpose: To define guidelines and procedures that should be followed to verify the identity and authority of persons and entities requested Protected Health Information (PHI).

Policy: Protected Health Information (PHI) will be disclosed only to persons who are authorized to receive it. Appropriate statements or documents confirming the identity of the persons requesting PHI are required as a condition of disclosure.

Procedures:

- PHI will be disclosed as a customary part of providing patient care, between and among individuals assisting in care and as part of the teaching mission of the University. This is permissible.
- Before PHI is released for purposes other than treatment, payment, or operations, there must be appropriate documentation or statements which provide authorization for disclosure.

I. Verifying Public Officials or Request under Legal Authority

A. Staff may rely on any of the following to verify identity when the disclosures of PHI is to a public official or a person acting on behalf of the public official:

1. If the request is made in person, presentation of an agency identification badge, other official credentials, or other proof of government status;
2. If the request is in writing, the request is on the appropriate government letterhead;
3. If the disclosure is to a person acting on behalf of a public official, a written statement on appropriate government letterhead that the person is acting under the government's authority or other evidence or documentation of agency, such as a contract or services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official;
4. A written statement of legal authority under which the information is requested, or if a written statement would be impracticable, an oral statement of such legal authority; or
5. If a request is made pursuant to legal process, warrant, subpoena, order, or other legal process issued by a grand jury or a judicial or administrative tribunal, it is presumed to constitute legal authority.

II. Imminent threat to safety

If there is an imminent threat to safety, it is lawful to disclosure PHI to prevent or lessen a serious and imminent threat to the health or safety of a person or the public if disclosure is made to a person reasonably able to prevent or lessen the threat. If these conditions are met, no further verification is needed.

III. Verification of an Individual

Individual will be given access to his/her PHI (under most circumstances). Staff will take reasonable steps to verify the identity of the individual making the request.

IV. Verification of a Personal Representative

Staff may require proper documentation of the personal representative's legal authority; or may ask questions to determine that an adult acting for a young child has the requisite relationship to the child, if a personal representative is not known. Documentation of the statements/representatives should be noted in the record.

Definitions:

Protection Health Information (PHI):

Individually identifiable health information transmitted or maintained in any form or medium, including oral, written and electronic. Individually identifiable health information relates to an individual's health status or condition, furnishing health services to an individual or paying or administering health care benefits to an individual. Information is considered PHI where there is a reasonable basis to believe the information can be used to identify an individual.

Reference: 45 C.F.R. §164.514, 164.510(b)