NORTHERN NEVADA ADULT MENTAL HEALTH SERVICES

POLICY AND PROCEDURE

SUBJECT: VERIFICATION OF IDENTITY AND AUTHORITY

NUMBER: NN-IM-PS-08

ORIGINAL DATE: 05/29/03

REVIEW/REVISE DATE: 05/04/06, 3/19/09, 3/15/12

APPROVAL: Cody L. Phinney, MPH, Agency Director

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I. PURPOSE

To provide guidelines for minimizing disclosure of Protected Health Information (PHI) to unauthorized/unidentified entities or persons.

II. POLICY

1. Northern Nevada Adult Mental Health Services (NNAMHS) will take reasonable steps to verify identity and authority of persons or entities outside the agency, which are not known to NNAMHS prior to the release of protected health information.
2. Verification of identity and authority is not required of persons known to NNAMHS.
3. During working hours, and if practical, requests for PHI will be referred to Health Information Services (Medical Records).
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III. REFERENCES

1. HIPAA regulations: 164.510, 164.512, 164.514, 164.518, 160 Subpart C NNAMHS Policy NN-IM-PS-11 Minimum Necessary Data.

IV. PROCEDURE

1. The verification requirement applies to all disclosures of PHI including for treatment, payment, and operations where the identity of the recipient is not known to NNAMHS
2. Routine communications between NNAMHS and PHI recipients, where existing relationships have been established, do not require verification procedures.
3. During working hours, and if practical, requests for PHI will be referred to Health Information Services (Medical Records).
4. Exercise of Professional Judgment

. a. Professional judgment, or acting in good faith, may be exercised as to whether a disclosure is in the consumer's best interest when the consumer is not available to agree, or is incapacitated. For disclosures when the consumer is not present, professional judgment and experience may be used.

b. In an emergency or disaster situation, i.e., location of a missing person, professional judgment may be exercised in order to balance the need for privacy with the need to locate and identify an individual.

c. A disclosure to avert an imminent threat to safety is lawful only if made in the good faith belief that the disclosure is necessary to prevent or lessen a serious or imminent threat to the safety of a person or the public, and only to a person reasonably able to prevent or lessen the threat. If these conditions are met, and in such emergencies, no further verification is needed. Reasonable reliance on verbal representations is appropriate.

5. If reasonable under the circumstances, the following should be used for identity or authority:
   a. When practical and reasonable, ask the consumer.
   b. Driver's license
   c. Birth certificate
   d. Agency identification - badge with photo
   e. Appropriate agency letterhead, if the person is acting under an agency's authority (contract for services, etc.).
   f. Written statement of legal authority such as letter of guardianship or power of attorney. Specific authority and expiration date required.
   g. Personal information of consumer such as birth date, social security number, or other identifiers collected during admission procedure.
   h. Call-back.
6. Persons involved in a consumer's current care
   a. HIPAA privacy regulations list the following as examples of persons involved in the consumer's care:
      - blood relative
      - spouse
      - roommate
      - boyfriend/girlfriend
      - domestic partner
      - neighbor
      - colleague

   b. A person known to be involved in another person's care will suffice as verification of that person's identity. However, authority from the consumer must be obtained and the minimum necessary rule must be observed. The

PHI disclosed must be directly relevant to the person's involvement with the consumer's care. If in doubt, ask questions of the person and the consumer, or refer the request to Health Information Services.

c. Such disclosures are to be documented in the progress notes.

7. Request for billing information

a. Requests for billing information are to be referred to the billing staff.

b. If someone other than the consumer (i.e., spouse, friend, etc.) makes inquiries about the consumer's account and that person is unknown, verify identity and authority.

c. Third-party payers should be authorized and designated to receive PHI on the Admission Authorizations if authorized on MR 153. If not authorized on the MR 153, identity and authorization must be verified.

8. HIPAA Compliance

a. When NNAMHS is asked by the Secretary of Health and Human Services or Office of Civil Rights to disclose PHI for compliance purposes, verification of identity and authorization must be obtained. Requests of this nature must be referred to Performance Improvement prior to release of PHI.

b. Nevada Revised Statues preempts Hipaa and authorization from the consumer is required to release PHI.