

<b>POLICY REGARDING VERIFICATION OF PERSONS SEEKING DISCLOSURES OF HEALTH INFORMATION</b>
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**Purpose:** To set forth the policy and procedures of WVU Physicians of Charleston (WVUPC) regarding the process of verifying the identity and authority of persons seeking disclosures of an individual's protected health information (PHI).

**Standard:** Prior to making any disclosure of an individual's PHI, which is permitted or required by law (and which does not require an individual's consent or authorization), WVUPC will:

- a. verify the identity of the person seeking the disclosure and the authority of such person to have access to an individual's PHI, (if WVUPC does not know the identity or authority of such person)
- b. obtain any documentation, statements, or representations from the person requesting the disclosure to the extent required by HIPAA and/or WVUPC's policies and procedures

**Policy:** WVUPC is committed to protecting the privacy and confidentiality of an individual's PHI. In certain instances, as permitted or required by law, WVUPC can or must disclose an individual's PHI, even where there is no specific consent or authorization from the individual to do so. In these instances, WVUPC will disclose an individual's PHI only after it has obtained appropriate verification of the identity and authority of the person(s) seeking disclosure.

**Procedure:** 1. **Verification of identity – Specific requirements**

When WVUPC does not know the identity of the person seeking disclosure of an individual's PHI, its staff will verify the person's identity as follows:

- a. For **public officials**, WVUPC may rely on the following documentation, statements, or representations to verify identity:
  - i. If the request is made in person, presentation of an agency identification badge, other official credentials,

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or other proof of government status

- ii. If the request is in writing, the request is on the appropriate government letterhead
- iii. 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 governments' authority or other evidence or documentation of agency, such as a contract for services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official

**Procedure:**  
(continued)

2. **Verification of authority: Specific requirements**

- a. To verify the authority of a **public official**, WVUPC may rely on any of the following (if such reliance is reasonable under the circumstances):
  - i. A written statement of the legal authority under which the information is requested or, if a written statement is impracticable, an oral statement of such legal authority
  - ii. If a request is made pursuant to legal process, a warrant, subpoena, order, or other legal process issued by a grand jury or a judicial or administrative tribunal will be presumed to constitute legal authority
- b. To verify the authority of a **law enforcement official**, WVUPC may rely on the following documentation, statements, or representations:
  - i. A court order, court-ordered warrant, subpoena, or summons issued by a judicial officer
  - ii. A grand jury subpoena
  - iii. An administrative request, including an administrative subpoena or summons, a civil or an authorized

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investigative demand, or similar process authorized under law, provided that (a) the information sought is relevant and material to a legitimate law enforcement inquiry, (b) the request is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the PHI is sought, and (c) de-identified information could not reasonably be used

**Procedure:**  
(continued)

- c. To verify the authority of a **researcher** to obtain PHI pursuant to a waiver of authorization, WVUPC may rely on the following documentation, statements, or representations that:

i. The use or disclosure is sought solely to review PHI as necessary to prepare a research protocol or for similar purposes preparatory to research

ii. No PHI will be removed from WVUPC's site by the researcher in the course of review

iii. The PHI is necessary for research purposes

All such documentation, statements or representations by a researcher must identify the Institutional Review Board (IRB) or privacy board that approved the waiver of authorization, the date of approval, and the signature of the chairperson or other designated representative of the IRB or privacy board.

3. **Verification of identity and authority in the absence of specific requirements**

In all other instances where there is no specific requirements for verifying the identity and/or authority of a person seeking disclosure of PHI, the staff of WVUPC shall use professional judgment in determining the steps reasonably necessary to verify the identity and/or authority of the person(s) seeking disclosure prior to disclosing PHI. WVUPC's Privacy Officer and/or General Counsel shall be consulted for guidance.

**WVU Physicians of Charleston  
HIPAA Policies and Procedures**

POLICY / PROCEDURE NO. PP-13

Effective date: April 14, 2003

Date(s) of revision: July 1, 2013

April 1, 2016

**REFERENCES:**

45 C.F.R. § 164.514(h)(1)

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