

Authorization Guide

Disclosure To or In Response To	MH Treatment Disclosure Without Authorization (yes/no)	SUD Treatment Disclosure Without Authorization (yes/no)
Emergency room staff	<ul style="list-style-type: none"> • Yes for treatment purposes (or coordination of care) • Yes, for health care operations if: <ol style="list-style-type: none"> 1. Both CEs have or have had a relationship with the client (can be a past or present client) 2. The PHI requested must pertain to the relationship 3. Only the minimum information necessary for the health care operation at hand is disclosed. 	No
Parent of a 21 year old client	No	No
Parent of 14 year old client	Not if the client acting alone has applied for and obtained mental health treatment	Not if the client acting alone has applied for and obtained substance abuse treatment
Personal representative	Yes	<ul style="list-style-type: none"> • If the client is adjudicated as incompetent, authorization may be provided by the client's guardian. • If the client is deceased, authorization may be provided by the client's personal representative or executor of the client's estate • If the program director determines that the client suffers from a medical condition that prevents knowing or effective action, the program director may exercise the right of client authorization for the limited purpose of obtaining payment
Legal guardian of an incompetent adult over age 18	Yes	Yes, but only for the sole purpose of obtaining payment for services from a third-party payer
Probation officer	No	No

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Any physician	<ul style="list-style-type: none"> • Yes for treatment purposes (or coordination of care) • Yes, for health care operations if: <ol style="list-style-type: none"> 1. Both CEs have or have had a relationship with the client (can be a past or present client) 2. The PHI requested must pertain to the relationship 3. Only the minimum information necessary for the health care operation at hand is disclosed. 	No
Court	Yes, if there is a court order signed by a judge or magistrate	Yes, if there is a court order signed by a judge or magistrate
Subpoena	<p>Yes, but only if the notification requirements of the Privacy Rule are met. Before responding to the subpoena, the provider should receive evidence that there were reasonable efforts to:</p> <ul style="list-style-type: none"> • Notify the person who is the subject of the information about the request, so the person has a chance to object to the disclosure, or • Seek a qualified protective order for the information from the court. 	Only if you also have a court order
Ambulance personnel	Only the minimum necessary PHI necessary for the ambulance staff to transport and receive payment for services	PHI may be disclosed to medical personnel to the extent necessary to meet a bona fide medical emergency in which the patient's prior informed consent cannot be obtained
Law enforcement personnel	<p>No authorization required to disclose to law enforcement in compliance with:</p> <ul style="list-style-type: none"> • A law requiring disclosure; or • A court order; or • A grand jury subpoena; or • An administrative request. <p>For specific purposes where disclosure is generally permitted (identification, crime victim and crime premises, inquiry into death) see 45 CFR §164.512(f)</p>	<ul style="list-style-type: none"> • Disclosure without authorization must follow special provisions relating to court order for the purpose of prosecuting patients • Disclosure without authorization is allowed for inquiries related to death • Limited disclosure without authorization is allowed (name, status and address) to report a crime on the CMHP premises
Educational personnel (teacher, principal, SE)	No	No
Representative payee	No	No

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Power of attorney	Only if a power of attorney grants an individual the present ability to make health care decisions on behalf of the client	Only if a power of attorney grants an individual the present ability to make health care decisions on behalf of the client
DHS worker – client is youth and DHS worker is youth’s parent’s case manager	No	No
DHS worker- client is youth, and DHS worker is the youth’s case manager	Yes	
NEMT driver	No	No
Insurance company	Only to adjudicate a claim	No
Non-guardian foster parent	No	No
Foster home staff for adults	No	No
Client’s friend who has come in with client- but is not currently with client at this time	Yes, if: <ul style="list-style-type: none"> • The friend is involved in the client’s health care or payment for his/her care, • The client tells you that you may do so, • The client does not object to your sharing the information, or • Using professional judgment, you believe that the client does not object 	No

* If you have an integrated health record that contains both mental health and SUD PHI, you need to get an authorization from the SUD client to allow mental health staff to access the record.