

The HIPAA Privacy Rule only applies to Covered Entities and Business Associates – however California health laws can apply to other entities that have health information.

For clarity – **a patient authorization is defined as** “a detailed document that gives covered entities permission to use health information for specified purposes which are generally other than treatment, payment, or healthcare operations, or to disclose health information to a third party specified by the individual. Relates to past, present, or future physical or mental conditions.”¹

Emergency Scenario ²	Health information covered by HIPAA to be disclosed or shared ³ in an emergency				
	Medical, Dental, Vision (Civil Code 56 et seq)	Behavioral Health		Developmental Disabilities	HIV/AIDS
		Mental Health (Welfare & Institutions Code 5328 et seq)	Substance Use Disorder (SUD) / Medication Assisted Treatment (MAT) (42 C.F.R Part 2; Health & Safety Code § 11845.5)	(Welfare & Institutions Code 4514 et seq)	(Health & Safety Code § 120980)
Treatment					
<i>To another covered entity providing treatment, including during a medical emergency</i>	YES ⁴	YES	Yes, for non-medical emergencies, when within the same program; otherwise with patient authorization. No patient authorization is necessary during a medical emergency.	YES	YES
To prevent a Serious or Imminent Danger					
<i>With anyone necessary to prevent or lessen a serious or imminent threat of harm to the health or safety of a person or the public</i>	YES ⁵	YES	Yes ⁶ , if the report is for child abuse or does not include information that identifies the patient as having or having had a SUD. Otherwise a court order or authorization is required.	YES	Yes, with patient authorization.

¹ <https://www.hhs.gov/hipaa/for-professionals/faq/264/what-is-the-difference-between-consent-and-authorization/index.html>

² If the scenario is a situational emergency, needing care is a medical emergency

³ For most disclosures, a covered entity must make reasonable efforts to limit the information disclosed to that which is the “minimum necessary” to accomplish the purpose. See 45 C.F.R. §§ 164.502(b) and 164.514(d). This does not apply to disclosures for treatment purposes.

⁴ 45 C.F.R. §§ 164.502(a)(1)(ii) and 164.506(c).

⁵ See 45 C.F.R. § 164.512(j).

⁶ 42 CFR §2.12(c)(6) and 2.63; Health & Safety Code § 11845.5(c)(2).

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Public Health					
<i>To a Public Health Authority</i>	YES ⁷	Yes, when required by law or with patient authorization.	Yes, with patient authorization.	Yes, when required by law or with patient authorization.	Yes, with patient authorization.
Notifications – to locate or identify⁸					
<i>Law Enforcement/First Responders</i>	YES	Yes, if the disclosure is to aid the patient.	Yes ⁹ , if the disclosure does not include information that identifies the patient as having or having had a SUD.	Yes, if the disclosure is to aid the patient.	Yes, with patient authorization.
<i>Family/Friends/Caregivers – identified by patient as involved with care</i>	Yes, with verbal permission or professional judgement.	YES	Yes, with patient authorization.	YES	Yes, with patient authorization.
<i>Disaster Relief Organizations¹⁰</i>	YES	YES	Yes, if the disclosure does not include information that identifies the patient as having or having had a SUD or with patient authorization.	YES	YES

⁷ See 45 C.F.R. §§ 164.501 and 164.512(b)(1)(i).

⁸ See 45 C.F.R. § 164.510(b)(4).

⁹ 42 C.F.R. § 2.12 and Health & Safety Code § 11845.5(a).

¹⁰ When authorized by law or by their charter to assist in disaster relief efforts, for the purpose of coordinating the notification of family members or other persons involved in the patient's care.



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Facility Directory (for transport/evacuation)					
<i>Law Enforcement/First Responders</i>	YES	YES	Yes, if the disclosure does not include information that identifies the patient as having or having had a SUD or with patient authorization	YES	Yes, with patient authorization.
<i>Family/Friends</i>	YES	YES	Yes, if the disclosure does not include information that identifies the patient as having or having had a SUD or with patient authorization.	YES	Yes, with patient authorization.