

INFORMATION PAPER

Subj: RELEASE OF MEDICAL INFORMATION UNDER HIPAA

Ref: (a) DoD 6025.18-R, DoD Health Information Privacy
Regulation

1. **Purpose.** To provide information on the release of medical information regarding service members under the Health Insurance Portability and Accountability Act (HIPAA).

2. **Discussion.**

a. HIPAA was created by Public Law 104-191 (1996) to establish a privacy rule for the use and disclosure of individual health information. The major goal of the privacy rule is to assure that protected health information (PHI) is properly safeguarded while allowing the flow of health information necessary to provide high quality health care.

b. HIPAA was implemented within the DoD by reference (a). The general rules of HIPAA are the following: (1) PHI is not releasable unless an exemption exists to authorize release; and (2) When release of PHI is authorized, only the *minimum necessary* information can be disclosed, unless otherwise authorized.

c. Exemptions exist under HIPAA to authorize the release of PHI in the following circumstances: (1) Pursuant to written authorization from the patient; (2) When required by law or government regulation; (3) For activities deemed necessary by appropriate military command authorities to assure the proper execution of the military mission, to include casualty reporting procedures; (4) In situations regarding victims of abuse or neglect when released to the Family Advocacy Program and Case Review Committed; (5) Pursuant to the order of a court or administrative tribunal; (6) Pursuant to subpoena, discovery request, or other lawful process if the patient has received notice of the request; (7) For legitimate law enforcement purposes; (8) To avert serious threat to health or safety; and (9) For public health purposes.

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