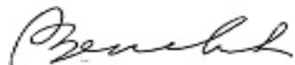

COPE Community Services, Inc.

Policy and Procedure #6003

Category: HIPAA

Title: Disclosures Made With Client's Opportunity to Agree or Object



Approval: _____

9/11/08

EXECUTIVE DIRECTOR

DATE

Policy Statement

COPE may use or disclose protected health information provided the client is informed in advance of the use or disclosure and the client has the opportunity to agree to, object to, and limit or restrict the use or disclosure.

Purpose

To provide information regarding the client's opportunity to agree or object to uses and disclosures of their protected health information.

Procedure

COPE may orally inform the client of and obtain the client's oral agreement or objection to a use or disclosure permitted by this policy.

- I. Uses and Disclosures for Involvement in Member's Care
 - A. COPE may disclose to a family member, other relative, a close personal friend of the client, or any other person identified by the client, the PHI directly relevant to such person's involvement with the client's care or payment of care.
 - B. If the client is present for, or otherwise available prior to, a use or disclosure to a family member, other relative, a close personal friend of the client, or any other person identified by the client, and the client is capable of making healthcare decisions, COPE may use or disclose the PHI if COPE staff:
 1. Obtain the client's agreement; or
 2. Provide the client with the opportunity to object to the disclosure and the client does not express an objection; or
 3. Reasonably infer from the circumstances, based on the exercise of professional judgment, that the client does not object to the disclosure.
 - C. If the client is not present or the opportunity to agree or object to the use or disclosure cannot practicably be provided because of the client's incapacity or an emergency circumstance, COPE may, in the exercise of professional judgment,

COPE Community Services, Inc.

Policy and Procedure #6003

**Title: Disclosures Made With Client's Opportunity to
Agree or Object**

Page 2 of 3

determine whether the disclosure is in the best interests of the client and, if so, disclose only the PHI that is directly relevant to the person's involvement with the client's health care.

COPE may use professional judgment and its experience with common practice to make reasonable inferences of the client's best interest in allowing a person to act on behalf of the client to pick up filled prescriptions, medical supplies, X-rays, or other similar forms of PHI.

II. Uses and Disclosures for Notification Purposes

- A. COPE may use or disclose PHI to notify, or assist in the notification of (including identifying or locating), a family member, a personal representative of the client, or another person responsible for the care of the client of the following:
 - 1. The client's location;
 - 2. The client's general condition; or
 - 3. The client's death.
- B. If the client is present for, or otherwise available prior to, a use or disclosure to a family member, other relative, a close personal friend of the client, or any other person identified by the client, and the client is capable of making health care decisions, COPE must:
 - 1. Obtain the client's agreement;
 - 2. Provide the client with the opportunity to object to the disclosure and the client does not express an objection; or
 - 3. Reasonably infer from the circumstances, based on the exercise of professional judgment, that the client does not object to the disclosure.
- C. If the client is not present or the opportunity to agree or object to the use or disclosure cannot practicably be provided because of the client's incapacity or an emergency circumstance, COPE may, in the exercise of professional judgment, determine whether the disclosure is in the best interests of the client and, if so, disclose only the PHI that is directly relevant to the person's involvement with the client's healthcare.

III. Uses and Disclosures for Disaster Relief Purposes

COPE may use or disclose PHI to a public or private entity authorized by law or by its charter to assist in disaster relief efforts, for the purpose of coordinating with such entities the uses and disclosures permitted by this policy. The requirements of this policy apply to the extent that COPE, in the exercise of professional judgment, determines that the requirements do not interfere with the ability to respond to emergency circumstances.

COPE Community Services, Inc.

Policy and Procedure #6003

**Title: Disclosures Made With Client's Opportunity to
Agree or Object**

Page 3 of 3

Date of Initial Approval: 4/22/03

Dates of Revisions and Approvals: 9/11/08 (name)

Forms:

- 1. Authorization for Use or Disclosure of Protected Health Information;**
- 2. Authorization for Disclosure of Substance Abuse or HIV Information**

Attachments: N/A

**References:
45 CFR 164.510**