



**TUCSON POLICE DEPARTMENT
MENTAL HEALTH SUPPORT TEAM
GENERAL OPERATIONS MANUAL**



Issued Feb. 2016

Revised June 2017

Supplemental documentation may be submitted as well (case reports, medical records etc.), however these may also need to be notarized. Consult with a member of the Community Bridges Title 36 Team if necessary.

12.0 HIPAA

The Health Insurance Portability and Accountability Act, better known as HIPAA. Officers often face circumstances where they attempt to obtain basic information from a medical facility or provider only to be told by these entities that they are unable to release the information because it would violate HIPAA confidentiality rules. The refusal of the medical facility or provider to provide basic information represents a fundamental misunderstanding of HIPAA so deeply ingrained that it now exists as an industry wide myth. Law Enforcement officials (police & probation officers), courts, court personnel, accrediting agencies are not considered "covered entities," and thus are not subject to HIPAA restrictions. Organizations or agencies that are not "covered entities" can be given information without consent of the individual patient in the following situations, also known as "legal exceptions":

Legal exceptions that will allow the requested information to be released:

Patient Authorization. A written, HIPAA-compliant authorization, signed by the patient, or by the patient's health care decision maker or other legal representative.

Legal Process. A court order or court-ordered warrant, a subpoena or summons issued by a judge, or a grand jury subpoena seeking the information has been issued.

Suspect, Fugitive, Material Witness, or Missing Person. Information about the above-named patient is needed to identify or locate a suspect, fugitive, material witness, or missing person.

Victim of a Crime. An individual who is, or is suspected to be, a victim of a crime. The individual's agreement to disclosure cannot be obtained due to incapacity or other emergency circumstances. The information is needed to determine whether a violation of law by someone other than the victim or suspected victim has occurred, that the information is not intended to be used against the victim or suspected victim, and that immediate law enforcement activity that depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure.



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Crime on Premises. The information sought constitutes evidence of possible criminal conduct occurring on the premises of the provider, to include vehicles owned by the provider.

Injury by Violence. The information sought concerns a person suffering from a gunshot wound, knife wound, or other material injury which may have resulted from a fight, brawl, robbery or other illegal or unlawful act, and you are requesting information on the circumstances (if known), together with the name and description of the patient, the character of the wound, and other facts which may be of assistance to the investigation in the event the patient's condition may be due to a crime.

Abuse of Minor or Vulnerable Adult. Law Enforcement is entitled to this information in investigating suspected, neglect, child abuse, physical injury, or abuse of a minor; or abuse, neglect or exploitation of a vulnerable adult.

Patient in Custody. The patient is in lawful custody of the correctional facility or law enforcement official or agency, and the requested information is needed for:

- The provision of healthcare to this patient,
- The health and safety of the patient, other inmates at, officers or employees of, or other persons at the correctional institution or custodial facility, or responsible for transporting or transferring the patient, or
- The administration and maintenance of the safety, security, and good order of the correctional institution or custodial facility, or law enforcement on its premises.

When requesting protected health information officers should reference and complete TPD Form 2240. This form contains an easy to use and comprehensive list of federal and state statutory exceptions for requesting otherwise HIPAA protected information under specific factual circumstances. As always, should you have any questions or concerns please contact the department Legal Advisor. More information can be found at www.hhs.gov