

PATHWAYS CMH

PROCEDURE TITLE: Verification of Identity Procedure – Appendix 13 of Privacy Policy	CATEGORY: Recipient Rights
EFFECTIVE DATE: April 14, 2003	BOARD APPROVAL DATE: April 14, 2003
REVIEWED DATE: June 2013; July 11, 2014; May 5, 2015; April 22, 2016; April 15, 2017	REVISION(S) TO PROCEDURE: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
RESPONSIBLE PARTY/APPROVAL: Recipient Rights Supervisor or Designee/ Mary J. Swift, CEO	

PURPOSE:

To protect the rights of recipients.

PROCEDURES:

A. Verification Requirements

1. Except as otherwise required in Pathways’ policies and procedures, Pathways staff will verify the identity of a person requesting protected health information and the authority of any such person to have access to protected health information under Pathways’ policies and procedures, if the identity or any such authority of the person is not known to Pathways staff.
2. Obtain any documentation, statements, or representations, whether oral or written, from the person requesting the protected health information when such documentation, the statement or representation is a condition of the disclosure under Pathways’ policies and procedures.

B. Verification Specifications

1. Conditions of Disclosures – If a disclosure is conditioned by Pathways’ policies or procedures on particular documentation, states or representations from the person requesting the protected health information, Pathways staff may rely, if such reliance is reasonable under such circumstances, on documentation, statements or representations that, on their face, meet the applicable requirement.
2. Identity of Public Officials – Pathways staff may rely, if such reliance is reasonable under the circumstances, on any of the following to verify identity when the disclosure of protected health information is to a public official or a person acting on behalf of the public official:
 - a. If the request is made in person, presentation of an agency identification badge, other official credentials, or other proof of government status.

- b. If the request is in writing, the request is on the appropriate government letterhead.
 - c. If the disclosure is to a person acting on behalf of a public official, a written statement on appropriate government letterhead that the person is acting under the government's authority or other evidence or documentation of agency, such as contract for services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official.
3. Authority of public Officials – Pathways staff may rely, if such reliance is reasonable under the circumstances, on any of the following to verify authority when the disclosure of protected health information is to a public official or a person acting on behalf of the public official:
- a. A written statement of the legal authority under which the information is requested or, if a written statement would be impracticable, an oral statement of such legal authority.
 - b. If a request is made pursuant to legal process, warrant, subpoena, order, or other legal process issued by a grand jury or a judicial or administrative tribunal is presumed to constitute legal authority.

C. Exercise of Professional Judgment

The verification requirements of this policy and procedure are met if Pathways staff relies on the exercise of professional judgment in making a use or disclosure or acts on a good faith belief in making a disclosure in accordance with Pathways' policies and procedures.

REFERENCES:

45 CFR Part 164 section 514 (h) (1).