

PHI Disclosure Matrix

(Draft)

Use/Disclosure	CO State Law Citation Privacy Rule Citation DHHA Policy Citation	Required authorization or other documentation	PHI that can be released	By Whom	To Whom	Document Use/Disclosure of PHI
Reporting Communicable Disease	CRS 25-1-122 45 CFR §164.512(b)(i)	None	Name DOB Address/Phone Reportable Disease	Care providers Infection Control Dept.	Colorado Dept. of Public Health	Yes – Accounting of Disclosures
Reporting Adverse Drug Events	45 CFR §164.512(b)(iii)	None	Limited to information on HHS Adverse Drug Reaction report	Pharmacy Staff Medical Staff	FDA/Authorized representative	Yes – Accounting of Disclosures
Child Abuse - Unknown Individual	CRS 19-3-304 and CRS 19-3-307 45 CFR §164.512(c) DHHA P&P Sec II, C-6 DHHA P&P Sec II, H-3 and H-3.1	None		Clinical Social Worker Physician/designee Any Health Care Provider	Dept. of Social Services in the county in which the individual resides.	Yes – Accounting of Disclosures
Child Abuse – Trusted Individual	CRS 19-3-304 and CRS 19-3-307 45 CFR §164.512(c) DHHA P&P Sec II, C-6 DHHA P&P Sec II, H-3 and H-3.1	None		Clinical Social Worker Physician/designee Any Health Care Provider	Law Enforcement in the county in which the episode occurred.	Yes – Accounting of Disclosures
Victims of Abuse, Neglect, Domestic Violence, ▪ At -Risk Adults	CRS 26-3.1-102 45 CFR §164.512(c)	None	The name and address of the at-risk adult; The name and address of the at-risk adult's caretaker, if any; The age, if known of the at risk adult; The nature and extent of such at-risk adult's injury, if any The nature and extent of the condition that will reasonably result in mistreatment or self- neglect; and Any other pertinent information	Clinical Social Worker Physician/designee Health Care Provider	Dept. of Social Services in the county in which the individual resides.	Yes – Accounting of Disclosures

PHI Disclosure Matrix

(Draft)

Use/Disclosure	CO State Law Citation Privacy Rule Citation DHHA Policy Citation	Required authorization or other documentation	PHI that can be released	By Whom	To Whom	Document Use/Disclosure of PHI
Victims of Abuse, Neglect, Domestic Violence <ul style="list-style-type: none"> ▪ Sexual Assault ▪ Domestic Violence 	CRS 12-36-135 CRS 26-3.1-102 45 CFR §164.512(c)	None	Law not specific for reporting requirements except for reporting the injury.	Physician or designee	Denver Police Dept.	Yes – Accounting of Disclosures
Health Oversight <ul style="list-style-type: none"> ▪ Audits ▪ Investigations ▪ Inspections and Licensure 	45 CFR §164.512(d)	Request documents from the agency, see Verification P&P.	As defined in the request documents	Administration HIM Dept. Legal Dept. Risk Mgmt. Finance CP&SI	Authorized individual from the oversight agency, verify individual's identity and authority per DHHA P&P (New P&P)	Yes – Accounting of Disclosures
Judicial & Administrative Proceedings	45 CFR §164.512(e)	Court Order Subpoena Discovery Request Verify Identify	As defined in court documents	DHHA Legal Dept.	Recipient named in subpoena or court documents	Yes – Accounting of Disclosures
Law Enforcement	45 CFR §164.512(f)			HIM		Varies by purpose
<ul style="list-style-type: none"> ▪ Victims of Crime 	CRS 12-36-135 45 CFR §164.512 (x)	No, required by CO state law	Name Address General Condition Seriousness of Injury (Information on victim needed to determine if charges should be filed)	Physician/Designee	Law Enforcement official in the jurisdiction in which the crime occurred	
<ul style="list-style-type: none"> ▪ Crime on Premises 	45 CFR §164.512(f)				Denver Police Dept.	Yes – Accounting of Disclosures
Correctional Facilities	45 CFR §164.512(k)(5)			Care Provider		No
Decedent Information – Funeral Home	45 CFR §164.512(g) DHHA P&P Sec II, A- 20.3	Release of Body request signed by Next of Kin	<i>TBD – checking state law</i>	Office of Decedent Affairs	Funeral Home Director/Designee	Yes – Accounting of Disclosures
Decedent Information – Coroner/ME cases	CRS 30-10-606 (6)(a) 45 CFR §164.512(g) DHHA P&P Sec II, A- 20.1	None, must be identified as a case meeting criteria for reporting to the coroner	Coroner can receive copy of autopsy report or medical information relevant to the inquest or investigation	Office of Decedent Affairs	Coroner or Medical Examiner	Yes – Accounting of Disclosures
Organ Donation	Uniform Anatomical Gift Act, Section 12-34-101; 42 CFR-Part 482 Medicare CoP; 45 CFR §164.512(h)	None – following NoK permission for organ donation	Variable based on patient condition, organs to be donated	CSW Designated Requestors Care Providers	Designated organ procurement agency (contact via central phone #)	Yes – Accounting of Disclosures

PHI Disclosure Matrix

(Draft)

Use/Disclosure	CO State Law Citation Privacy Rule Citation DHHA Policy Citation	Required authorization or other documentation	PHI that can be released	By Whom	To Whom	Document Use/Disclosure of PHI
Avert Serious Threats to Health or Safety	45 CFR §164.512(j)	None, decision made based on professional judgment				Yes – Accounting of Disclosures
Worker's Comp	45 CFR §164.512(l)			OSHC	Individual's Employer State agency	Yes – Accounting of Disclosures
Media Calls ¹	45 CFR §164.510(a)	Individual must agree to be included in the facility directory	If media asks for the patient by name we are permitted to release: <ul style="list-style-type: none"> ▪ Location in the facility ▪ General Condition 	Public Relations Nursing Supervisor Information Desk	Media	None
Clergy	45 CFR 164.510(a)	Individual must agree to be included in the facility directory	Rule permits clergy to receive a roster of individuals by religion; they do not have to request a patient by name.	Information Desk Staff	Clergy	None
Required by Law	45 CFR §164.512(a)					Yes – Accounting of Disclosures
• Report Birth/Death	45 CFR §164.512(a)	None		HIM Dept	Colorado Dept. of Public Health and Environment (CDPHE)	Yes – Accounting of Disclosures
• Public Health Activities	45 CFR §164.512(b)	None		Varies	CDPHE	Yes – Accounting of Disclosures
• Cancer Registry	CRS 25-5-107(1)(z)(I & II) 45 CFR §164.512(b)	None	Registry requirements defined by state appointed panel.	HIM staff	CDPHE	Yes – Accounting of Disclosures
• Trauma Registry	45 CFR §164.512(b)	None	Registry requirements defined by state appointed trauma panel. Data requirements can be revised annually.	Trauma Registry staff through a business associate	CDPHE	Yes – Accounting of Disclosures
• Children with Special Needs Registry	CRS 25-1-107(1)(f)(I) 45 CFR §164.512(b)	None	Registry requirements defined by state appointed panel.	Disclosures are made by a business associate	CDPHE	Yes – Accounting of Disclosures
Disclosures to insurance companies for other than	§164.508	The individual's authorization is needed for disclosures that are	As identified in the individual's authorization	HIM staff	Person designated on the authorization	No, based on the individual's authorization

¹ Additional information may be disclosed to the media if authorized by the individual.

PHI Disclosure Matrix

(Draft)

Use/Disclosure	CO State Law Citation Privacy Rule Citation DHHA Policy Citation	Required authorization or other documentation	PHI that can be released	By Whom	To Whom	Document Use/Disclosure of PHI
payment for health care treatment		not treatment related, for example a recent H&P to a life insurance company or disability insurer.				