

PRIVACY 9.0

DISCLOSURES FOR ARMED SERVICES, NATIONAL SECURITY AND OTHER SPECIALIZED GOVERNMENT FUNCTIONS

Scope: All **workforce** members (employees and non-employees), including employed medical staff, management, and others who have direct or indirect **access** to patient **protected health information (PHI)** created, held or maintained by any subsidiaries of Universal Health Services, Inc., including facilities and UHS of Delaware Inc. (collectively, “UHS”), including UHS **covered entities** (“Facilities”).

Purpose: Identifies when Facilities may **use** and **disclose PHI** for Armed Services, national security and other specialized government functions.

Definitions:

Terms not defined in this Policy or the *HIPAA Terms and Definitions* maintained by the UHS Compliance Office will have the meaning as defined in any related State or Federal privacy law including the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (“HIPAA”) and regulations promulgated thereunder by the U.S. Department of Health and Human Services (“HHS”) at 45 CFR Part 160 and 164, Subparts A and E (“Privacy Regulations” or “Privacy Rule”) and Subparts A and C (“Security Regulations” or “Security Rule”), the Health Information Technology for Economic and Clinical Health Act (“HITECH”) privacy and security provisions of the American Recovery and Reinvestment Act (Stimulus Act) for Long Term Care, Public Law 111-5, the American Recovery and Reinvestment Act of 2009 (“ARRA”), Title XIII and related regulations.

Policy:

Facilities may **use** and **disclose PHI** for armed services, national security and other specialized government functions as described below.

Procedure:

Military and Veterans Activities

Facilities may **use** and **disclose PHI** of Armed Forces personnel, veterans and foreign military personnel as described below, consistent with Department of Defense (“DoD”) regulations. The Department of Defense maintains its own Privacy Regulations for members of the armed services. A copy of the Department of Defense Privacy Regulations may be found at DoD 6025.18-R.

Military personnel who have received or are receiving treatment for alcohol or substance/drug abuse are covered under HIPAA and 42CFR part 2. Military personnel requesting PHI must provide a written and signed authorization from the patient or a court order. UHS recognizes the authority of Military Courts (See also UHS Privacy 11.0 *Disclosure of Alcohol and Substance/Drug Abuse Records*).

1. Disclosure of PHI of Armed Forces Personnel

Facilities may **use** and **disclose PHI** of individuals who are Armed Forces personnel for activities deemed necessary by appropriate military command authorities to assure the proper execution of the military mission. For purposes of this Policy, the term appropriate “military command authorities” means:

- All Commanders who exercise authority over an individual who is a member of the Armed Forces, or other persons designated by such a Commander to receive **PHI** in order to carry out an activity under the authority of the Commander;
- The Secretary of Homeland Security, when the Coast Guard is not operating as a service in the Department of the Navy; and
- Any official delegated authority by the Secretary of Homeland Security to take an action designed to ensure the proper execution of the military mission.

For purposes of this Policy, the term “military mission” means:

- Determining the member’s fitness, including compliance with standards and activities in specified DoD directives, and similar requirements;
- Determining fitness to perform any particular mission, assignment, order, or duty, including compliance with any actions required as a precondition to performance thereof;
- Carrying out comprehensive medical surveillance activities;
- Reporting on casualties in connection with a military operation or activity according to applicable military regulations or procedures; and
- Carrying out any other activity necessary to the proper execution of the military mission.

2. Veterans

A Facility that is a component of the Department of Veterans Affairs may use and disclose PHI to components of the Department that determine eligibility for or entitlement to, or that provide, benefits under the laws administered by the Secretary of Veterans Affairs.

3. Foreign Military Personnel:

Facilities may use and disclose PHI of individuals who are foreign military personnel to their appropriate foreign military authority for the same purposes for which uses and disclosures are permitted for Armed Forces personnel as described above.

National Security and Intelligence Activities

Facilities may disclose PHI to authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities authorized by the National Security Act (50 U.S.C. 401, et seq.) and implementing authority (e.g., Executive Order 12333).

Protective Services for the President and Others

Facilities may disclose PHI to authorized federal officials for the provision of protective services to:

- The President of the United States and immediate family
- The Vice President and immediate family
- The President elect and Vice President-elect and their immediate families
- Former Presidents and their spouses
- Certain Presidential and Vice-Presidential candidates
- Foreign heads of state, Official representatives of a foreign government, other distinguished visitors to the United States, while in the United States (and members of the immediate family)
- The Secretary of State, Deputy Secretary of State, and official representatives of the United States Government, in the United States or abroad (and members of the immediate family)

Facilities may also **disclose PHI** to authorized federal officials to conduct investigations regarding threats against the President of the United States, successors to the Presidency, and former Presidents.

Correctional Institutions and Other Law Enforcement Custodial Situations

Facilities may **disclose PHI** of an inmate or individual to a correctional institution or law enforcement official having lawful custody of the inmate or individual as described in and following the requirements of UHS Privacy 17.0 *Disclosures to Correctional Institutions or Law Enforcement with Lawful Custody*.

References:

50 U.S.C. 401, *et seq*
DoD 6025.18-R

Related UHS Policies:

UHS Privacy 11.0 *Disclosure of Alcohol and Substance/Drug Abuse Records*

UHS Privacy 17.0 *Disclosures to Correctional Institutions or Law Enforcement with Lawful Custody*

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Reviewed and Approved by:

UHS Compliance Committee