

UNIT ORDER #65 - PROTECTED HEALTH INFORMATION

PURPOSE OF THIS ORDER:

It is the Internal Affairs Bureau (IAB) policy that all completed investigations that include Protected Health Information have an admonition. In every case, consideration should be given to whether it is always necessary to include this information in a case file.

Procedure:

The following admonition is to be placed on the front cover of the administrative file as well as directly in front of the medical documentation placed in the file:

“The file may contain Protected Health Information. Any such information is subject to State and/or Federal privacy laws, and may not be disseminated to anyone unauthorized to possess the information or used by anyone for an unauthorized purpose. The unauthorized use or disclosure of Protected Health Information may result in civil and/or criminal penalties.”

Reasoning:

Inmate medical records may not be shared without the inmate's written authorization, unless sharing is otherwise allowed for by law or regulation; or is necessary for the protection of the welfare of the inmate or others; or is necessary for management of the jail or maintenance of jail security. When placing Protected Health Information in an administrative file, consideration shall be given to limiting requests for information to the minimum necessary to accomplish the intended purpose of the request.

Consideration should be given to whether it is always necessary to include all the medical information obtained in the file when it's provided to the unit of origin, the Executive Force Review Panel, or the Office of Independent Review. When practical to do so, separate the generalized medical information, leaving in only the information directly pertinent to extent of injuries, cause of death, etc. The balance of the information should be placed in a sealed envelope inside the completed administrative file.

Other Department, Division, Bureau or Unit Policies and/or orders may apply to this Order which may include but are not limited to:

Custody Division Manual section 4-12-000.00 - Medical/Mental Health Records.
