COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter **Program Quality**	**Section** **HIPAA**	**Chapter** **05**	**Section** **03**	**Subject** **13**
Subject **Verification of Identity**	**Authorization**		**Approved: 04/08/03** **Replaces: None**	

Updated: October 2024; Reviewed/No Update: October 2025

I. PURPOSE: To establish policy regarding verification of identity of persons requesting access to protected health information.

II. APPLICATION: All programs of the Gogebic Community Mental Health Authority (GCMHA).

III. DEFINITIONS: Protected health information means individually identifiable health information:

A. Except as provided in paragraph (B) of this definition, that is:

1. Transmitted by electronic media;

2. Maintained in any medium described in the definition of *electronic media* at § 162.103 of this subchapter; or

3. Transmitted or maintained in any other form or medium.

B. *Protected health information* excludes individually identifiable health information in:

1. Education records covered by the Family Educational Right and Privacy Act, as amended, 20 U.S.C. 1232g; and

2. Records described at 20 U.S.C. 1232g(a)(4)(B)(iv).

IV. POLICY: Prior to the disclosure of PHI, GCMHA will verify the identity and authority of individuals requesting access to PHI.

V. PROCEDURE

A. Verification Requirements: Except as otherwise required in GCMHA policy and procedure, GCMHA staff will verify the identity of a person requesting protected health information. They will also confirm the authority of the requesting person to have access to PHI under GCMHA policy and procedure. If the identity or any such authority of the requesting person is not known to GCMHA, staff shall obtain any documentation, statements, or representations, whether oral or written, from the person requesting PHI when such documentation, statement or representation is a condition of the disclosure under GCMHA policy and procedure.

B. Verification Specifications: Conditions of Disclosures - If a disclosure is conditioned by GCMHA policy or procedure on particular documentation, statements or representations from the person requesting the protected health information, GCMHA staff may rely, if such reliance is reasonable under such circumstances, on documentation, statements, or representations that, on their face, meet the applicable requirements.

C. Identity of Public Officials - GCMHA 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:

1. If the request is made in person, presentation of an agency identification badge, other official credentials, or other proof of government status;

2. If the request is in writing, the request is on the appropriate government letterhead;

3. If the disclosure is to a person acting on behalf of a public official:

a. a written statement on appropriate government letterhead that the person is acting under the government's authority, or;

b. other evidence or documentation of agency, such as a contract for services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official.

D. Authority of public officials - GCMHA 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:

1. 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;

2. 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.

E. Exercise of professional judgment - The verification requirements of this procedure are met if GCMHA 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 GCMHA policy and procedure and applicable laws.

VI. REFERENCES AND LEGAL AUTHORITY: 45 CFR Part 164 section 514 (h) (1).

VII. EXHIBITS: None