

<p style="text-align: center;"><b>The University of Texas SOUTHWESTERN MEDICAL CENTER At Dallas</b></p>	<p style="text-align: center;"><b>Privacy Compliance Program Privacy Manual</b></p> <p style="text-align: center;">Section 7: Standard Protocols for Uses, Disclosures and Requests of PHI</p> <p>Policy No: 7.11 Last Revised: November 18, 2003 Effective Date: April 14, 2003</p>
<p><b>Judicial and Administrative Proceedings</b></p>	

**POLICY:**

UT Southwestern may disclose PHI pursuant to an order of a court or administrative tribunal without written authorization. UT Southwestern may disclose PHI pursuant to subpoena with either a written authorization or a statement of assurances from the requesting party in the form required by this standard protocol.

**PROCEDURE:**

1. Procedures for Orders of a Court or Administrative Tribunal. UT Southwestern may disclose PHI pursuant to an order of a court or administrative tribunal, or a subpoena issued by a court without prior written authorization from the Individual.
2. Procedures for Private Subpoenas
  - a. Authorization. UT Southwestern will request that a party issuing a subpoena provide an authorization from the Individual whose records are requested.
  - b. Statement of Assurances. If UT Southwestern does not receive an authorization, UT Southwestern may disclose PHI in response to a subpoena that is not accompanied by an order of a court or administrative tribunal if UT Southwestern obtains a certification of “satisfactory assurances” from the party seeking the PHI that it has the legal authority to receive the information and that reasonable efforts have been made to ensure that the Individual who is the subject of the requested PHI has been given notice of the request. This certification shall be obtained in the form entitled Statement of Assurances For Subpoenas, which can be found on UT Southwestern’s website.
3. Minimum Necessary Rule.
  - a. The minimum necessary rule does not apply to disclosures pursuant to an order of a court or administrative tribunal or disclosures pursuant to a subpoena, as these disclosures are “required by law”.
  - b. Workforce should take precautions to ensure that disclosures of PHI do not exceed the scope of the order or subpoena. When disclosing PHI, Workforce are not required to second guess the scope or purpose of the request, or take action to

resist the request because they believe that it is over broad. Rather, Workforce must make reasonable efforts not to disclose more information than is requested.

4. Verification. UT Southwestern Workforce will obtain verification of the recipient of a disclosure for judicial and administrative proceedings in accordance with Section 6.5 of this Manual, which sets forth the policy and procedure for Verification For PHI Disclosures.
5. Documentation. Documentation required pursuant to this Policy will be maintained by the applicable release of information office for no less than six (6) years from the date of its creation.

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**LEGAL REFERENCES:**

45 C.F.R. § 164.512(e) (2001)

65 Fed. Reg. 82462, 82515, 82529-30, 82674-78 (Dec. 28, 2000)