

SAMPLE HIPAA ORDER

HIPAA ORDER

For The Limited Release Of Specific Substance Abuse Treatment Records

This matter is before the Court for consideration of the limited release of specific substance abuse treatment records. The Court makes the following findings:

1. On _____, the defendant was referred to or accepted into the Franklin County Substance Abuse Intervention Project ("Drug Court").
2. As a condition of participation in the drug court program, the defendant must attend substance abuse treatment and the drug court team must monitor the defendant's progress in substance abuse treatment including mental health and medical treatment.
3. The defendant has voluntarily and knowingly signed a HIPAA and 42 C.F.R. Part 2 compliant release.
4. The information necessary to monitor the defendant's progress in substance abuse treatment includes: defendant's identity, defendant's diagnosis, defendant's urinalysis results, defendant's treatment attendance or non-attendance, defendant's cooperation with treatment, defendant's progress in treatment, and defendant's prognosis. This treatment information is the minimum necessary to carry out the purpose of the disclosure. See 45 C.F.R. § 165.502(b)(11) and 42 C.F.R. § 2.13(a). Any potential injury from disclosure to the defendant, the defendant's physician-patient relationship, or treatment is outweighed by the public interest in the defendant's success in the drug court program.

IT IS THEREFORE ORDERED THAT:

1. Any provider of substance abuse treatment including mental health and medical treatment shall provide to the drug court team (as reflected in the HIPAA/42 C.F.R. Part Consent to Release Form or team member replacements) the following information: defendant's identity, defendant's diagnosis, defendant's urinalysis results, defendant's treatment attendance or non-attendance, defendant's cooperation with treatment, defendant's progress in treatment, and defendant's prognosis. The drug court team is comprised of individuals responsible for monitoring the defendant's progress.
2. The treatment provider shall continue to provide the treatment information until defendant's successful completion of the term of probation or termination from the drug court program or further court order, whichever shall first occur.

3. The drug court team shall not re-disclose the information received pursuant to this Order, except as may be provided by law or to carry out official duties in accordance with the drug court program.

SO ORDERED this ____ day of _____, 20__.

David S. Ross
Associate Justice of the District Court