

OBTAINING A BLOOD SAMPLE

If blood has been drawn for medical reasons, a court order, patient authorization, or in rare occasion, a search warrant is required in order for the hospital to release the specimen. Since we recognize that it may take the official some time to obtain legal or patient authorization and since samples are discarded typically within a week, officials may call the hospital Risk Management department and request that the sample not be discarded.

If blood has not been drawn for medical purposes and the official wants blood drawn, the official is responsible for obtaining patient consent for the blood draw and the release of the blood to the official.

If blood is being drawn pursuant to a Search Warrant under RIGL 31-27-2.9(a) to conduct a forensic blood alcohol/drug level, the official must, in advance, attempt to alert the Rhode Island Hospital emergency department charge nurse, or the triage nurse at The Miriam Hospital and Newport Hospital. The suspect may then be brought to the hospital. The official must accompany the suspect at all times. Hospital staff will not restrain the suspect, and may reserve the right not to draw the blood if there is a concern for safety. The official videotaping the blood draw must not tape anyone other than the suspect. The official must give hospital personnel a copy of the Search Warrant.

This fact sheet does not cover all situations, such as specially protected information. Hospital staff members have been encouraged to consult with their Risk Management or General Counsel office if they have questions about release of information.



Lifespan

Delivering health with care.™

OBTAINING PROTECTED HEALTH INFORMATION



Lifespan

**WORKING COOPERATIVELY WITH
LAW ENFORCEMENT OFFICIALS TO
MAINTAIN PUBLIC SAFETY**

Rhode Island Hospital 444-4000

- Anderson Emergency 255-5734
- Hasbro Emergency 444-4900
- Security 444-5221
- Risk Management 444-8265
- Health Information 444-4040

The Miriam Hospital 793-2500

- Emergency 793-3333
- Security 793-2700
- Risk Management 793-2017
- Health Information 793-2222

Newport Hospital 846-6400

- Emergency 845-1120
- Security 845-1296
- Risk Management 846-1306
- Health Information 845-1153

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APPROPRIATE LEGAL AUTHORIZATION

This brochure explains how law enforcement officials (LEO's) may obtain health care information that may be necessary for law enforcement purposes within the confines of confidentiality laws.

There are two main laws that govern the release of patient information – Federal Law (HIPAA) and the RI Confidentiality of Health Care Communication and Information Act (RIGL 5-37.3). HIPAA states that the most restrictive law prevails, and in many cases, RI law is more restrictive than HIPAA. RI law defines confidential health care information as follows: all information relating to a patient's health care history, diagnosis, condition, treatment, or evaluation obtained from a health care provider who has treated the patient. Therefore, essentially any information obtained in the course of providing care is confidential.

RI law requires patient or appropriate legal authorization to allow healthcare providers to release health care information to law enforcement officials except for certain exceptions under which limited healthcare information may be released to law enforcement officials:

- Reporting gunshot injuries,
- Cause to suspect child abuse,
- Identification or to locate a suspect, fugitive, material witness or missing person,
- Investigation of a patient who is (or is suspected to be) a victim of a crime.

Photographs may be taken by officials with patient authorization or a court order. Photographs of deceased patients may be taken by officials if authorized by the patient's next of kin or by the Office of the Medical Examiner.

TO REQUEST PROTECTED HEALTH INFORMATION

LEO's must provide appropriate legal authorization for disclosure.

- The patient or the patient's representative signs a HIPAA compliant authorization form
- The official presents a court order, search warrant, or valid subpoena.
- The official completes a "Law Enforcement Official Initiated Request for Permitted Disclosure and Use of Protected Health Care Information" form (aka LEO form)

The law enforcement official will find the LEO form at the bottom of the Lifespan website (www.lifespan.org) under "Medical Records Request."

For assistance in obtaining/completing the LEO form, officials may call the Health Information Services Department at the appropriate affiliate:

Rhode Island Hospital	444-4040
The Miriam Hospital	793-2222
Newport Hospital	845-1153

In the emergency department, the official should ask for the Nursing Supervisor/ Person in Charge, who will assist the official in the process by providing a LEO form and letting the official know if the patient is able to provide authorization.

For inpatients, the official should call the hospital main number to be connected to Security who will verify the identity of the LEO and then contact the Nursing Supervisor/Person in Charge to assist the LEO in obtaining the requested information.

If the patient is a minor, authorization must be obtained from the patient's parent, guardian, or legal representative.

INTERVIEWING OR OBTAINING INFORMATION FROM THE PATIENT

In the emergency department, the official should ask for the Nursing Supervisor/ Person in Charge, identify the patient by name, and ask to speak to the patient. The Nursing Supervisor/Person in Charge will consult with the patient's physician to determine if the patient has capacity and is clinically stable for an interview.

If the physician feels that the patient's condition precludes an interview, the official will be asked to wait in an area that minimizes disruption of hospital services until the patient's condition permits an interview. Otherwise, the nurse will bring the official to the patient.

If the patient has been admitted to the hospital, the official should contact the hospital Department of Security. A representative of the Security Department will contact appropriate hospital personnel to determine if the interview would interfere with patient care, if the patient is available and wants to speak to the official.

If the patient is a minor, the parent/guardian/legal representative will also be informed that the official wishes to speak to the minor patient. In a situation in which the official needs to speak to the minor urgently to obtain information for public safety and the parent/guardian/legal representative cannot be reached, the physician caring for the minor will decide if the patient can be interviewed by the official.