

**UNIVERSITY OF FLORIDA**  
**INFORMATION PRIVACY POLICIES & PROCEDURES**  
**APPENDIX D: Disclosures of PHI Under Florida Law**

Reason for Disclosure	Permitted by HIPAA	Florida Law
Abuse, Child Known / Suspected	A health care provider may disclose PHI to a public authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect. (45 CFR 164.512(b)(1)(ii))	<p style="text-align: center;"><b>Required</b></p> <p>Any person, including a health care provider, who knows or has reasonable cause to suspect child abuse, abandonment or neglect by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, must report such knowledge or suspicion to the Department of Children and Families (DCF) Central Abuse Hotline. (F.S. 39.201(1))</p>
Abuse, Vulnerable Adult (Elderly or Developmentally Disabled) Known / Suspected	A health care provider may disclose PHI about an individual whom the health care provider reasonably believes to be a victim of abuse or neglect to a government authority, including a social service or protective services agency, authorized by law to receive reports of such abuse or neglect. (45 CFR 164.512(c)(1)(i))	<p style="text-align: center;"><b>Required</b></p> <p>Any person who knows or has reasonable cause to suspect the abuse, neglect or exploitation of vulnerable adults must immediately report such knowledge to the Department of Children and Families (DCF) Central Abuse Hotline. (F. S. 415.1034(2))</p>
Deaths	A health care provider may disclose PHI to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law. (45 CFR 164.512(g)(1))	<p style="text-align: center;"><b>Required</b></p> <p>Any person in the district where a death occurs who becomes aware of the death of any person in the State occurring under the following circumstances, must report such death and circumstances to the district Medical Examiner. (F. S. 406.12):</p> <ol style="list-style-type: none"> <li>1) a result of criminal violence</li> <li>2) by accident</li> <li>3) by suicide</li> <li>4) suddenly, when in apparent good health</li> <li>5) unattended by a practicing physician or other recognized practitioner</li> <li>6) in any prison or penal institution</li> <li>7) in police custody</li> <li>8) in any suspicious or unusual circumstance</li> <li>9) by criminal abortion</li> <li>10) by poison</li> <li>11) by disease constituting a threat to public health</li> <li>12) by disease, injury of toxic agent resulting from employment</li> </ol>

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Domestic Violence	A health care provider may report domestic violence to a government authority, including a social service or protective services agency, authorized by law to receive reports of such domestic violence. (45 CFR 164.512(c)(1))	<p style="text-align: center;"><b>Permitted</b></p> <p>See 456.057(5)(a) above.</p> <p>Except for gunshot wounds or other life- threatening injuries indicating violence. (F. S. 790.24)</p>
DUI	A health care provider may disclose PHI if the health care provider believes in good faith the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public and the disclosure is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat. (45 CFR 164.512(j)(1)(i))	<p style="text-align: center;"><b>Permitted</b></p> <p>If a health care provider, who is providing medical care in a health care facility to a person injured in a motor vehicle crash, becomes aware, as a result of any blood test performed in the course of medical treatment, that the persons' blood-alcohol levels meets or exceeds 0.08 grams of alcohol per 100 ml. Of blood, the health care provider may notify any law enforcement officer or law enforcement agency. (F. S. 316.1933 (2)(a))</p>
Impaired Drivers	A health care provider may disclose PHI if the health care provider believes in good faith the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public and the disclosure is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat. (45 CFR 164.512(j)(1)(i))	<p style="text-align: center;"><b>Permitted</b></p> <p>A physician, person or agency, having knowledge of any licensed drivers or applicant's mental or physical disability to drive or need to obtain or to wear a medical ID bracelet is authorized to report such knowledge to the Department of Highway Safety and Motor Vehicles. (F. S. 322.126(2))</p>
Injuries/ Wounds Gunshot or other life-threatening injuries indicating violence	A health care provider may disclose PHI as required by law, including laws that require the reporting of certain types of wounds or physical injuries. (45 CFR 164.512(f)(1)(i))	<p style="text-align: center;"><b>Permitted</b></p> <p>Any physician, nurse, or employee of a hospital, sanitarium, clinic, or nursing home treating or receiving a request for treatment must report immediately to local law enforcement any gunshot wound or life-threatening injury indicating an act of violence. (F. S. 790.24)</p>

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Deaths Resulting from Abuse or Neglect	A health care provider may disclose PHI to a law enforcement official for the purpose of alerting law enforcement of the death of an individual if the health care provider has a suspicion that the death may have resulted from criminal conduct. (45 CFR 164.512(f)(4))	<p style="text-align: center;"><b>Required – with conditions</b></p> Any person who is required to report cases of suspected abuse, abandonment, or neglect who has reasonable cause to suspect that a child died as a result of child abuse, abandonment, or neglect must report his or her suspicion to the appropriate Medical Examiner. (F. S. 39.201(3))
Law Enforcement: Identify or locate suspect, fugitive, material witness or missing person	A health care provider may disclose PHI to a law enforcement official's request to locate or identify a suspect, fugitive, material witness or missing person. (45 CFR 164.512(f)(2))	<p style="text-align: center;"><b>Prohibited</b></p> Medical records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care practitioners and providers involved in the care or treatment of the patient, except upon written authorization of the patient. (Fla. Stat. 456.057(5)(a))
Law Enforcement: To report known or suspected victim of crime	A health care provider may disclose PHI in response to a law enforcement official's request for information about a person suspected to be a victim of a crime if the individual agrees, or if certain requirements are met, if consent is not possible because of incapacity or emergency circumstance. (45 CFR 164.512(f)(3))	<p style="text-align: center;"><b>Prohibited</b></p> Except for gunshot wounds or other life-threatening injuries indicating violence. (F. S. 790.24) Medical records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care practitioners and providers involved in the care or treatment of the patient, except upon written authorization of the patient. (Fla. Stat. 456.057(5)(a))
Mental Health Communications  Clinical Social Worker, Mental Health Counselor, or Psychotherapist	A health care provider may disclose PHI if the health care provider believes in good faith the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public and the disclosure is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat. (45 CFR 164.512(j)(1)(i))	<p style="text-align: center;"><b>Permitted</b></p> The confidentiality between a clinical social worker, mental health counselor, or psychotherapist may be waived when there is a clear and immediate probability of physical harm to the patient or client, to other individuals, or to society and the clinical social worker, mental health counselor, or psychotherapist communicates the information only to the potential victim, appropriate family members, or law enforcement or other appropriate authorities. (Fla. Stat. 491.0147(3))

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Mental Health Communications  Psychiatrist	A health care provider may disclose PHI if the health care provider believes in good faith the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public and the disclosure is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat. (45 CFR 164.512(j)(1)(i))	<p style="text-align: center;"><b>Permitted</b></p> <p>A psychiatrist may disclose patient communications to the extent necessary to warn any potential victim or communicate a threat to a law enforcement agency where:</p> <ol style="list-style-type: none"> <li>1) The patient is engaged in a treatment relationship with the psychiatrist;</li> <li>2) The patient has made an actual threat to physically harm an identifiable victim or victims; <u>and</u></li> <li>3) The treating psychiatrist makes a clinical judgment that the patient has the apparent capability to commit such an act and that it is more likely than not that in the near future the patient will carry out the threat. (F. S. 456.059)</li> </ol>
Sexual Battery	A health care provider may disclose PHI to a law enforcement official that the health care provider believes in good faith constitutes evidence of criminal conduct <i>on the premises</i> . (45 CFR 164.512(f)(5))	<p style="text-align: center;"><b>Required</b></p> <p>Any person who <i>observed</i> the commission of a crime of sexual battery must immediately report such offense to a law enforcement official. (F.S. 794.027)</p> <p>Instructional personnel or administrative personnel having knowledge that a sexual battery has been committed by a student upon another student must report the offense to a law enforcement agency having jurisdiction over the school or over the place where the sexual battery occurred, if not on the grounds of the school. (F. S. 1012.799)</p>
Subpoenas	A health care provider may comply with court orders or court-ordered warrants, subpoenas or summons, grand jury subpoenas, and administrative summons or civil investigative demands, when certain requirements are met. (45 CFR 164.512(f)(1)(ii))	<p style="text-align: center;"><b>Permitted</b></p> <p>Medical records may be furnished in any case or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction, provided proper notice is given to the patient or the patient's legal representative by the party seeking such records. (F. S. 456.057(5)(a)(3))</p>