

EVMS Medical Group

POLICY: Release of AIDS/HIV Information

DATE: 3/2003

CATEGORY: MEDICAL RECORD RELEASE OF INFORMATION

**REVIEWED/
REVISED:
04/2013**

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POLICY: Virginia law allows the physician to disclose the results of the patient's HIV test results to certain individuals, including:

1. The subject of the test or his legally authorized representative.
2. Any person designated in a release signed by the subject of the test or his legally authorized representative.
3. The Department of Health.
4. Health care providers for purposes of consultation or providing care and treatment to the person who was the subject of the test or providing care and treatment to a child of a woman who, at the time of such child's birth, was known to be infected with human immunodeficiency virus.
5. Health care facility staff committees which monitor, evaluate, or review programs or services.
6. Medical or epidemiological researchers for use as statistical data only.
7. Any person allowed access to such information by a court order.
8. Any facility which procures, processes, distributes or uses blood, other body fluids, tissues or organs.
9. Any person authorized by law to receive such information.
10. The parents or other legal custodian of the subject of the test if the subject is a minor.
11. The spouse of the subject of the test.
12. Departments of health located outside the Commonwealth by the Virginia Department of Health for the purposes of disease surveillance and investigation.

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PROCEDURE:

A. Patient Consent/Request

All requirements in Authorization to Disclose or Use Protected Health Information must be satisfied.

1. Upon receipt of a proper request department personnel will determine whether the release is sufficient. If the release does not satisfy the requirements in Authorization to Use or Disclose Protected Health Information, the EVMS Medical Group Authorization Form should be sent to the patient with directions for its completion. The completed form must be received before EVMS Medical Group will release any of the information.

2. When all requirements in the Authorization form are satisfied, follow the specific procedure outlined in the Release of Information policies prior to disclosure, use or access of PHI.

B. Subpoena.

A subpoena is never sufficient for release of AIDS information. The subpoena must state that a copy was provided to the patient and/or the patient's attorney. You must not respond to the subpoena until you have received written certification from the party on whose behalf the subpoena was issued that the time for filing a Motion to Quash has elapsed and that:

- No Motion to Quash was filed; or
- Any Motion to Quash has been resolved by the court or the administrative agency and the disclosures sought are consistent with such resolution.