

Verification checklist

INSTRUCTIONS: The following is the text of 164.514 (h) (containing the requirements for verification prior to disclosure of PHI).

Check off each element if reviewing a request for information or preparing to disclose protected health information to make sure it contains the required elements.

§ 164.514 Other requirements relating to uses and disclosures of protected health information.

(h)

1. **Standard: verification requirements.** Prior to any disclosure permitted by this subpart, a covered entity must:
 - i. Except with respect to disclosures under § 164.510, verify the identity of a person requesting protected health information and the authority of any such person to have access to protected health information under this subpart, if the identity or any such authority of such person is not known to the covered entity; and
 - ii. Obtain any documentation, statements, or representations, whether oral or written, from the person requesting the protected health information when such documentation, statement, or representation is a condition of the disclosure under this subpart.
2. Implementation specifications: verification.
 - i. Conditions on disclosures. If a disclosure is conditioned by this subpart on particular documentation, statements, or representations from the person requesting the protected health information, a covered entity may rely, if such reliance is reasonable under the circumstances, on documentation, statements, or representations that, on their face, meet the applicable requirements.
 - A. The conditions in § 164.512(f)(1)(ii)(C) may be satisfied by the administrative subpoena or similar process or by a separate written statement that, on its face, demonstrates that the applicable requirements have been met.
 - B. The documentation required by § 164.512(i)(2) may be satisfied by one or more written statements, provided that each is appropriately dated and signed in accordance with §164.512(i)(2)(i) and (v).
 - ii. Identity of public officials. A covered entity may rely, if such reliance is reasonable under the circumstances, on any of the following to verify identity when the disclosure of protected health information is to a public official or a person acting on behalf of the public official:
 - A. If the request is made in person, presentation of an agency identification badge, other official credentials, or other proof of government status;
 - B. If the request is in writing, the request is on the appropriate government letterhead; or If the disclosure is to a person acting on behalf of a public official, a written statement on appropriate government letterhead that the person is acting under the government's authority or other evidence or documentation of agency, such as a contract for services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official.
 - iii. Authority of public officials. A covered entity may rely, if such reliance is reasonable under the circumstances, on any of the following to verify authority

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when the disclosure of protected health information is to a public official or a person acting on behalf of the public official:

- A. A written statement of the legal authority under which the information is requested, or, if a written statement would be impracticable, an oral statement of such legal authority;
 - B. If a request is made pursuant to legal process, warrant, subpoena, order, or other legal process issued by a grand jury or a judicial or administrative tribunal is presumed to constitute legal authority.
- iv. Exercise of professional judgment. The verification requirements of this paragraph are met if the covered entity relies on the exercise of professional judgment in making a use or disclosure in accordance with § [164.510](#) or acts on a good faith belief in making a disclosure in accordance with § [164.512\(j\)](#).