

**HIPAA Privacy Policy #24
Uses and Disclosures of Protected Health Information
Without Patient Authorization to
Avert a Serious Threat to Health or Safety**

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| Effective Date: January 22, 2020 | Refer to Privacy Rule Sections: 164.512; 154.514; 164.528; 164.530 |
| Authorized by: Equinox Board of Directors | Version #: |

Policy: Equinox, Inc. may use and disclose a patient’s Protected Health Information in order to avert a serious threat to the health or safety of a person or the public without the patient’s written Authorization according to the Procedures listed below.

Procedures:

1. **Circumstances in Which Use and Disclosure is Permitted:** Equinox, Inc. may use and disclose a patient’s Protected Health Information, consistent with law and ethical standards, in order to prevent or lessen a *serious* and *imminent* threat to the health or safety of a person or the public. *45 C.F.R. § 164.512 (j)(1)(i)(A)*. A use or disclosure may not be made to prevent or lessen a serious and imminent threat if the information is learned by Equinox, Inc. in (i) the course of treatment of the patient to affect the patient’s propensity to commit the criminal conduct that is the basis for the disclosure; (ii) counseling or therapy; or (iii) through a request by the patient to initiate or to be referred for the treatment, counseling, or therapy.
2. **Persons to Whom Disclosure may be Made:** Equinox, Inc. may disclose Protected Health Information pursuant to this Policy to any person who is reasonably able to lessen or prevent a threat. Such disclosure may be made to the target of a threat. *45 C.F.R. § 164.512 (j)(1)(i)(B)*.
3. **What Information may be Disclosed:** Equinox, Inc. should confer with the Privacy Officer and legal counsel, as necessary, prior to disclosing any information pursuant to this Policy. Some statutes and case-law in New York allow health care professionals to disclose privileged information to prevent or lessen a threat to the health or safety of a person or the public. The relevant laws require a case-by-case determination of whether a disclosure is permitted. *45 C.F.R. § 164.512(j)(1)(i)(A)*.
4. **Minimum Necessary:** When making a disclosure pursuant to this Policy, Equinox, Inc. may only disclose the minimum amount of information necessary for the purpose of the disclosure. (*See Equinox, Inc.’s Policy No. 7 entitled “Minimum Necessary Uses, Disclosures and Requests of Protected Health Information.”*) *45 C.F.R. § 164.514(d)(3)(i)*.
5. **Log of Disclosures:** Equinox, Inc. is required to log disclosures made pursuant to this Policy in the patient’s Log for Accounting of Disclosures (*See Equinox Inc.’s Policy No. 32 entitled “Accounting of Disclosures”*). *45 C.F.R. § 164.528(a); N.Y. Public Health Law § 18(6)*.
6. **Special Protection for Highly Sensitive Protected Health Information:** In accordance with certain Federal and New York State laws, Equinox, Inc. must provide greater privacy protections to highly

sensitive Protected Health Information, which includes information that relates to HIV, Mental Health, Psychotherapy Notes, Alcohol and Substance Abuse Treatment, and Genetics. The Privacy Officer, and legal counsel when appropriate, should be consulted prior to the disclosure of such information. *See* Equinox, Inc.'s Policy No. 14 entitled "Uses and Disclosures of Highly Sensitive Protected Health Information."

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