

**UNIVERSITY OF MAINE SYSTEM
HIPAA POLICY #31
DISCLOSURES BY WHISTLEBLOWERS AND CRIME VICTIMS**

I. Disclosures by Whistleblowers

A Covered Component is not considered to have violated the requirements of the Privacy Rule if a member of its workforce or a business associate discloses PHI, provided that:

- A. The workforce member or business associate believes in good faith that the Covered Component has engaged in conduct that is unlawful or otherwise violates professional or clinical standards, or that the care, services, or conditions provided by the Covered Component potentially endangers one or more patients, workers, or the public; and
- B. The disclosure is to:
 - 1. A health oversight agency or public health authority authorized by law to investigate or otherwise oversee the relevant conduct or conditions of the Covered Component or to an appropriate health care accreditation organization for the purpose of reporting the allegation of failure to meet professional standards or misconduct by the Covered Component; or
 - 2. An attorney retained by or on behalf of the workforce member or business associate for the purpose of determining the legal options of the workforce member or business associate with regard to the conduct described in paragraph (B)(1).

II. Disclosures by Workforce Members Who Are Victims of a Crime

A Covered Component is not considered to have violated the requirements of the Privacy Rule if a member of its workforce who is the victim of a criminal act discloses PHI to a law enforcement official, provided that:

- A. The PHI disclosed is about the suspected perpetrator of the criminal act; and
- B. The PHI disclosed is limited to the following information:
 - 1. Name and address;
 - 2. Date and place of birth;
 - 3. Social security number;
 - 4. ABO blood type and rh factor;
 - 5. Type of injury;
 - 6. Date and time of treatment;
 - 7. Date and time of death, if applicable; and
 - 8. A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos.