

**PROTECTED HEALTH INFORMATION ACCESS REQUEST BY A
THIRD PARTY WITHOUT AUTHORIZATION FROM THE INDIVIDUAL**

In the event that a third party, without authorization from the Individual, requests access to the Individual's PHI, the third party must furnish this request by a validly issued subpoena and provide "satisfactory assurances." The Board must require "satisfactory assurances" from the requesting party.

Satisfactory assurances means that in addition to a validly executed subpoena, the request must be accompanied by either:

- (1) An affirmative statement from the requesting party that they have previously notified the Individual or the Individual's attorney in writing that they were going to issue the subpoena to the Board; that they have provided the Individual or the Individual's attorney a reasonable period of time to object to the request (at least ten (10) days); and that the Individual or Individual's attorney has not objected to the request within the specified time period; or
- (2) A statement by the requesting party that they have made reasonable efforts to secure a qualified protective order that has been tendered or entered by a court of law (which must be attached to the request).

In lieu of the above, a third party may also request access to an Individual's PHI without the Individual's authorization pursuant to a valid judicial or administrative order. The valid judicial or administrative order must expressly authorize the disclosure and must be directed to the Board. Upon compliance with these provisions, the Board shall disclose an Individual's PHI