

Policy Name:	Verification of Identity and Authority
Date Modified:	7/2015
Date Approved:	7/2015

## Verification of Identity and Authority Policy

### Policy:

- a. Prior to any disclosure, restriction, amendment, or correction of PHI, CAPS Staff must make reasonable efforts to verify the identity of any person making requests concerning PHI, verify the authority of any such person to have access to or to use or disclose the information; and obtain any documentation, statements, or representations, from the person making such requests, to substantiate the claim of authority.
  - i. Note: Abuse, Neglect, Endangerment Situations: Notwithstanding a State law or any requirement of the privacy rules to the contrary, CAPS Clinical or Psychiatric Staff may exercise professional judgment and elect not to treat a person as a personal representative of a client if there is a reasonable belief that the client has been or may be subjected to domestic violence, abuse, or neglect by such person; or that treating such person as the personal representative could endanger the client.
- b. Verification of Identity – Client or Personal Representative:
  - i. For clients or personal representatives appearing in person, CAPS Staff may reasonably rely on documents or statements as meeting the requirements of verification of identity, including, but not limited to:
    - 1) Personal knowledge of:
      - A place of business;
      - An address;
      - A phone or fax number; or
      - An individual.
    - 2) Identification presented by the client or representative:
    - 3) Photographic identification card.
      - Owl Card;
      - Driver's license;
      - Photo ID credit card; or
      - Passport.
  - ii. For persons calling in by telephone, CAPS Staff may reasonably rely on the provision of the client's FAU ID Number, date of birth, or other information, in addition to the client's name, as meeting the requirements of verification of identity.
- c. Verification of Authority
  - i. If the person making requests regarding PHI is not the client, CAPS Staff may reasonably rely on the following documentation, statements, or representations that the requestor has authority with regard to the client's PHI:
    - 1) Non-Emancipated Minors:

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- Natural or adoptive parents, legal custodians, and legal guardians are the personal representatives of persons under the age of 18, and must consent to non-emergent health care for minors.
  - Exceptions:
    - Only in emergency circumstances, and in accordance with Florida Statutes, will minors be treated at CAPS without parental consent. Parents would not be entitled to the relevant PHI without the minor's authorization except under those circumstances.
- 2) Emancipated Minors
- The following persons under the age of 18 are considered emancipated minors, do not need parental consent for any health care, and therefore their parents or guardians would not be personal representatives:
    - Married minors (including widowed and divorced).
    - Minors emancipated by court order.
    - Other statuses as determined by Florida Statutes.
- 3) Incapacitated Adults:
- Persons over the age of 18 who have been deemed incompetent by a court, or have been determined by an attending physician to be incapable of making informed health care decisions: Either situation must be documented in the client's health record. Legal representatives include:
    - Court-appointed Guardian.
    - Durable Power of Attorney (DPOA, FS 709.08).
    - Healthcare Surrogate.
    - Health Care Proxy: in order of priority, may be appointed by Florida Atlantic University, in accordance with Florida law (FS 765.401), as Health Care Proxy: The appointment must be documented in the client's health record.
      1. Judicially appointed guardian;
      2. Spouse;
      3. Adult child of client;
      4. Parent of the client;
      5. Adult sibling of the client;
      6. Adult relative;
      7. Close friend.
- 4) Former clients who are deceased:
- The right to confidentiality does pass on to the decedent's legal personal representative, unless waived by express and informed consent, by the client or the client's guardian or guardian advocate, or, if the client is deceased, by the client's personal representative or the family member who stands next in line of intestate succession, the

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confidential status of the clinical record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency (FS 394.4615)

- If a person dies without having named a legal representative (as might be usual for a young student), a parent could do the paperwork to be named.
- This is a relatively simple procedure, although not common, since many times there is no legal reason to have to be formally recognized. If you are ever approached in such a situation, please follow university procedure to contact the Director who will seek advice of University General Counsel. Furthermore, no information is to be released to a parent or to the University administration, regarding whether or not a student who died was being seen at the center UNLESS there has been legal permission to do so.

5) Public Officials

- Identity of public officials.
  - CAPS may reasonably rely on any of the following to verify identity of a public official:
    1. Presentation of an agency identification badge or other official credentials; or
    2. Written request on the appropriate government letterhead.
- Authority of public officials.
  - Florida Atlantic University may reasonably rely on any of the following to verify authority of a public official:
    1. A written statement of the legal authority under which the information is requested; or
    2. A properly executed warrant, court order, or judicial or administrative order
    3. Note:
      - a. Verification is not required if there is reasonable belief of an imminent threat to the safety of the client or another individual.

d. See Chapter 709.08 (Durable Power of Attorney), Chapter 765 (Health Care Advance Directives)