

HIPAA CRITERIA FOR A VALID AUTHORIZATION

A “valid” authorization must include six “core” components and three required statements and must meet two other implementation requirements.

Core Components

1. An authorization must have a specific and meaningful description of the information to be used or disclosed.
2. An authorization must contain the name or other specific identification of the person(s), or class of persons, authorized to make the requested use or disclosure.
3. An authorization must contain the name or other specific identification of the person(s), or class of persons, to whom the covered entity may make the requested use or disclosure.
4. An authorization must contain a description of each purpose of the requested use or disclosure. This can be easily satisfied by a brief introduction of the clinical research study, goals of the study, etc.
5. An authorization generally must contain an expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure. Note, however, that for research purposes, the Privacy Rule provides that the statements “end of the research study” or “none” will satisfy the requirements for an expiration date or an expiration event.
6. An authorization must contain the signature of the individual and the date.

Required Statements

1. An authorization must also contain statements sufficient to notify the individual of the right to revoke the authorization in writing.
2. Authorizations generally must make clear that a covered entity is not permitted to condition the provision of treatment on the execution of a valid authorization. The Rule makes an exception with regard to research involving treatment, however. HHS has recognized that if an individual desires to participate in a clinical research study and refuses to execute the authorization presented, the health care provider does not have to enroll the individual in the study.
3. An authorization must explain the potential for information to be re-disclosed by the recipient and that the recipient may not be required to comply with the Privacy Rule.

Implementation Requirements

1. The authorization must be written in plain language,
2. A copy of the authorization must be provided to the individual permitting the use or disclosure of their PHI