

**San Diego County CoC Homeless Management Information System (HMIS)
Policies and Procedures Legal Framework**

a. Handwritten by the person who signs it or is in typeface no smaller than 14-point type. [Cal. Civil Code 56.11(a)]
b. Authorization is not combined with any other document to form a compound authorization. [45 CFR 164.508(b)(3)] Cal. Civil Code 56.11(b)
c. Provides a specific and meaningful description of the information to be disclosed, including specific records and service dates. [45 CFR 164.508(c)(1)(i), and 42 CFR 2.31(3) requires patient NAMES and what kind of information]
d. A specific division is identified as the one authorized to disclose the medical record. [45 CFR 164.508(c)(1)(ii); Cal. Civil Code 56.11(e) and 42 CFR 2.31(1)]
e. Provides the name or other specific identification of the person(s) or entity(ies) to whom disclosure can be made. [45 CFR 164.508(c)(1)(iii); Cal. Civil Code 56.11(f) and 42 CFR 2.31(2)]
f. Provides a statement of the purpose, and limitations, of the requested disclosure (which may be “at the request of the client”), including any limitations on the use of the information. [45 CFR 164.508(c)(1)(iv); Cal. Civil Code 56.11(g) and 42 CFR 2.31(4)]
g. Provides an expiration date or a valid expiration event when information may no longer be disclosed, AND the date has not passed nor has the expiration event occurred. [45 CFR 164.508(b)(2)(i), 45 CFR 164.508(c)(1)(v), Cal. Civil Code 56.11(h) and 42 CFR 23.1(7) and (9)]
h. Signed and dated by client or client’s authorized personal representative. If signed by the authorized personal representative, a description of such representative’s authority to act for the client is provided. [45 CFR 164.508(c)(1)(vi), Cal. Civil Code 56.11(c) and 42 CFR 2.31(6)]
i. Statement of client’s right to revoke the authorization, exceptions to this right, and a description of how to revoke (a reference to the same information in the Notice of Privacy Practices may be provided instead of the last two items). [45 CFR 164.508(c)(2)(i) and (a); Cal. Civil code 56.15 and 42 CFR 2.31(8)]
j. Statement that treatment, payment, enrollment or eligibility for benefits in health care services or health plan may NOT be conditioned upon signing the authorization. [45 CFR 164.508(c)(2)(ii)(A)]
k. Statement regarding the potential that the information disclosed pursuant to the authorization may be re-disclosed by the recipient and, if so, it may no longer be protected by a federal confidentiality law (i.e., HIPAA) if the recipient of the medical record is not subject to such federal confidentiality law. [45 CFR 164.508(c)(2)(iii)]
l. Statement that person signing the authorization has the right to (or will receive) a copy of the authorization. [45 CFR 164.508(c)(4) and Cal. Civil Code 56.11(i)]