



Director  
Office for Civil Rights  
Washington, D.C. 20201

June 30, 2014

Thomas J. Murphy  
Director, Compensation Service  
US Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420

Dear Director Murphy:

Thank you for consulting with the Office for Civil Rights (OCR) in anticipation of and during the Office of Management and Budget (OMB) approval process for the Department of Veterans Affairs (VA) authorization form for disclosure of certain health information, VAF 21-4142. OCR is responsible for administration and enforcement of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule, which includes provisions that prescribe the content of a valid written authorization by an individual for the disclosure of his or her health information by HIPAA covered health care providers.

I understand that OMB approved the form for the collection of information on June 20, 2014, OMB Control Number 2900-0001, with an expiration of June 30, 2017, and that the form will be used by VA nationwide to obtain permission from individuals for the release of medical records and other information to the VA for purposes of determining an individual's eligibility for benefits. In light of this, we confirm that:

The HIPAA Privacy Rule permits a third party to develop an authorization form and use of that form may be relied upon by a covered entity for the disclosure of specific protected health information (PHI) so long as the form meets the applicable authorization form content and other requirements found at 45 CFR 164.508.

An authorization is sufficiently "specific and meaningful" as required by the HIPAA Privacy Rule, if the form states that the individual is authorizing disclosure of "all my medical records." Where nothing else in the form qualifies the scope of that authorization, individuals who authorize such disclosures may reasonably be expected to understand the common meaning of the term, and the breadth of the authorization they are providing.

One authorization form may be used to authorize disclosures by categories of covered entities without naming particular covered entities. An individual need not execute additional forms for each covered entity or provider, as long as the authorization form adequately identifies the categories of entities to which the authorization is directed. Thus, it is sufficient for a form to authorize disclosures by "all medical sources (hospitals, clinics, labs, physicians, psychologists, etc.)."

A copy, facsimile, or electronically transmitted version of a signed authorization is also a valid authorization under the Privacy Rule.

An authorization remains valid until its expiration date, unless revoked in writing by the individual before that date. A covered entity may disclose the PHI specified in the authorization, even if that information was created after the authorization is signed, as long as the authorization has not expired or been revoked in writing.

The HIPAA Privacy Rule specifies the elements of a valid authorization, but does not mandate any particular form by which individuals may authorize disclosure of their health information. Thus, the Rule provides significant flexibility to covered entities and others to develop authorization forms that meet their needs.

I trust that this information is helpful. Please let me know if you have any questions or if we can provide further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Leon Rodriguez". The signature is written in a cursive style with a large initial "L" and "R".

Leon Rodriguez