

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE,)	
)	
<i>Plaintiff,</i>)	SECOND DIVISION
)	
vs.)	
)	NO(s).
_____)	
)	
<i>Defendant.</i>)	

**HIPAA ORDER FOR THE LIMITED RELEASE OF SPECIFIC
SUBSTANCE ABUSE TREATMENT RECORDS**

This matter came before the Court upon consideration of the need for limited release of specific substance abuse treatment records. The Court makes the following findings:

1. As of the date of the entry of this Order, the Defendant has been accepted into the Hamilton County Drug Recovery Court (“Drug Recovery Court”).
2. As a condition of participation in the Drug Recovery Court program, the Defendant must attend substance abuse treatment and the Drug Recovery Court team must monitor the Defendant’s progress in substance abuse treatment including mental health and medical treatment.
3. Prior to the entry of this Order, the Defendant has voluntarily and knowingly signed a HIPAA and 42 C.F.R. Part 2 compliant release.
4. The information necessary to monitor the Defendant’s progress in substance abuse treatment includes: Defendant’s identity; Defendant’s diagnosis; Defendant’s urinalysis or other drug testing results; Defendant’s treatment attendance or non-attendance; Defendant’s cooperation with treatment; Defendant’s progress in treatment; and Defendant’s prognosis. This treatment information is the minimum necessary to carry out the purpose of the disclosure.¹ Any potential injury from disclosure to the Defendant, the Defendant’s physician-patient relationship, or treatment is outweighed by the public interest in the Defendant’s success in the Drug Recovery Court program.

Wherefore, based upon these findings, and upon consideration of the record as a whole, it is hereby **ORDERED** that:

¹ See 45 C.F.R. § 165.502(b)(11) and 42 C.F.R. § 2.13(a).

1. Any provider of substance abuse treatment including mental health and medical treatment shall provide to the Drug Recovery Court team (as reflected in the HIPAA/42 C.F.R. Part Consent to Release Form or team member replacements) the following information: Defendant's identity; Defendant's diagnosis; Defendant's urinalysis or other drug testing results; Defendant's treatment attendance or non-attendance; Defendant's cooperation with treatment; Defendant's progress in treatment; and Defendant's prognosis. The Drug Recovery Court team is comprised of individuals responsible for monitoring the Defendant's progress.
2. The treatment provider shall continue to provide the treatment information until Defendant's successful completion of the term of probation or termination from the Drug Recovery Court program or further court order, whichever shall first occur.
3. The Drug Recovery Court team shall not re-disclose the information received pursuant to this Order, except as may be provided by law or as necessary to carry out official duties in accordance with the Drug Recovery Court program.

It is so ordered.

Enter, this the ____ day of _____, 20____.

TOM GREENHOLTZ, Judge

APPROVED FOR ENTRY BY:

Defendant

Defendant's Legal Counsel

Assistant District Attorney General