

**[PLEASE NOTE: THIS IS A STANDING COURT ORDER. NOT ALL JURISDICTIONS RECOGNIZE THESE COURT ORDERS. YOU SHOULD CHECK WITH YOUR STATE AND LOCAL COURT RULES TO DETERMINE IF A STANDING COURT ORDER IS AUTHORIZED IN YOUR AREA]**

**SAMPLE**

**[NAME OF COURT]**

ORDER TO DISCLOSE PROTECTED HEALTH INFORMATION

The court, having reviewed all relevant regulations and procedures, hereby finds:

1. One of the purposes of the \_\_\_\_\_  
[Name of Drug Treatment Court]

(the "Drug Treatment Court") is to monitor closely the progress of defendants ("Participants") appearing in the Drug Treatment Court in their substance abuse treatment.

2. Participants' enrollment in a substance abuse treatment program is a condition of Participants' continued participation in the Drug Treatment Court.

3. The Drug Treatment Court requires timely and accurate information concerning Participants' attendance and progress in treatment in order to adequately monitor the effectiveness and progress of Participants' participation in treatment.

4. From time to time, the Drug Treatment Court may direct a Participant to receive additional health-related services in connection with the Participant's involvement in the Drug Treatment Court, from which follow-up information concerning the diagnosis and prescribed treatment of the Participant must be received by the Drug Treatment Court staff in order for the Court to properly monitor and modify the Participant's treatment plan.

5. The privacy regulations promulgated by the United States Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 C.F.R. Parts 160 and 164, have imposed restrictions on the ability of health care

providers to disclose protected health information concerning a particular individual to third parties except under particular circumstances.

6. HIPAA's privacy regulations contain an exception permitting health care providers to disclose protected health information "in the course of any judicial or administrative proceeding . . . in response to an order of a court or administrative tribunal" (45 C.F.R. § 164.512(e)(1)).

THEREFORE, IT IS HEREBY ORDERED:

Pursuant to HIPAA, all substance abuse treatment and other health care providers to whom a Participant is referred by the Drug Treatment Court shall disclose to the Drug Treatment Court and/or its staff, upon request, **subject to the federal regulations governing the Confidentiality of Alcohol and Drug Abuse Patient Records (42 C.F.R. Part 2)**, information concerning, as applicable, the treatment recommendation, diagnosis, attendance, scope of treatment, treatment progress and quality of participation, dates and results of toxicology testing, and termination or completion of treatment concerning such Participant of the Drug Treatment Court. Any application for disclosure of information pursuant to 42 C.F.R. Part 2 shall be made in accordance with 42 C.F.R. §§ 2.61 – 2.65 and other applicable sections.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge/Justice