

[CAPTION]

ORDER TO DISCLOSE PROTECTED HEALTH INFORMATION

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

1. The above-referenced Defendant is currently a participant in the _____ (the "Drug Treatment Court"); and
[Name of Drug Treatment Court]
2. Defendant's participation in a substance abuse treatment program is a condition of Defendant's continued participation in the Drug Treatment Court; and
3. The Drug Treatment Court requires timely and accurate information concerning Defendant's attendance and progress in treatment in order to adequately monitor the effectiveness and progress of Defendant's participation in treatment; and
4. 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; and
5. 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 HIPPA, _____ shall disclose to the Drug Treatment Court
[Name of Treatment or Health Care Provider]

and/or its staff, **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 the above named Defendant. 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