

Tool for a Waiver of Patient Authorization Request

To request to waive the requirement for a patient authorization for release of medical information there are eight criteria that need to be met. Use this tool to explain the need for the waiver and how the waiver will not adversely affect the privacy rights of patients.

The use or disclosure of PHI involves no more than minimal risk to the individuals;

The alteration or waiver will not adversely affect the privacy rights and the welfare of the individuals;

The research could not practicably be conducted without the alteration or waiver;

The research could not practicably be conducted without access to and use of the PHI;

The privacy risks to individuals whose PHI is to be used or disclosed are reasonable in relation to the anticipated benefits, if any, to the individuals, and the importance of the knowledge that may reasonably be expected to result from the research;

There is an adequate plan to protect the identifiers from improper use and disclosure;

There is an adequate plan to destroy the identifiers at the earliest opportunity consistent with conduct of the research, unless there is a health or research justification for retaining the identifiers or such retention is otherwise required by law; and

There are adequate written assurances that the PHI will not be reused or disclosed to any other person or entity, except as required by law, for authorized oversight of the research project, or for other research for which the use or disclosure of PHI would be permitted by this subpart.