

CONTENT: The Privacy Regulation establishes the following requirements for the content of Authorization forms:

- Be in writing
- Be in plain language

Authorization forms must contain at least the following core elements:

- A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion
- The name or other specific identification of the person(s), or class or persons, to whom the provider may make the requested use or disclosure
- A description of each purpose of the requested use or disclosure. The statement "at the request of the individual" is a sufficient description of the purpose when an individual initiates the authorization and does not, or elects not to, provide a statement of the purpose
- An expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure. The statement "end of the research study," "none," or similar language is sufficient if the authorization is for a use of disclosure of PHI for research, including for the creation and maintenance of a research database or repository
- Signature of the individual
- Date
- If the authorization is signed by a personal representative, a description of such representative's authority to act for the individual

Authorization forms must contain at least the following required statements:

- A statement of the individual's right to revoke the Authorization in writing and either a statement of the exception to the right to revoke or a description of how the individual may revoke the authorization
- A description of how the individual may revoke the Authorization
- A statement that the covered entity may not condition treatment, payment, enrollment, or eligibility for benefits on whether the individual signs the authorization and a statement that lists the consequences to the individual of a refusal to sign the authorization
- A statement that information disclosed pursuant to the Authorization to be subject to redisclosure by the recipient and no longer protected by this rule
- The signature of the individual
- The date
- If the authorization is signed by a personal representative, a description of their authority to act for the individual

MAINTENANCE: The Privacy regulation establishes the following requirements for the maintenance and distribution of Authorization forms:

- The covered entity must provide the individual with a copy of the signed Authorization when the covered entity seeks an Authorization from an individual for a use or disclosure of PHI
- Signed Authorization forms must be retained for six years from the date of creation or the date they were last in effect, whichever is later

Note: Special rules apply to Authorizations for the use and disclosures of PHI created for research that includes treatment of the individual and Authorizations for the use of disclosure and Psychotherapy Notes.