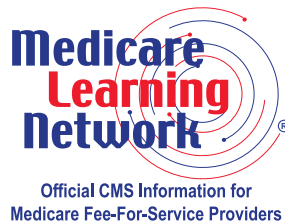


DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Medicare & Medicaid Services



FACT SHEET

Medical Privacy of Protected Health Information Information for Medicare Fee-For-Service Health Care Professionals

Providers' Privacy Guide

Health Insurance Portability and Accountability Act (HIPAA) does not require patients to sign consent forms before doctors, hospitals, or ambulances can share information for treatment purposes

Providers can freely share information with other providers where treatment is concerned, without getting a signed patient authorization. Clear guidance on this topic can be found in a number of places:

- Review the answers to Frequently Asked Questions (FAQs) by performing a search of frequent questions of facts by category. The link to the FAQs may be found at <http://www.hhs.gov/hipaafaq> on the U.S. Department of Health and Human Services (HHS) website.
- Consult the fact sheet, "Uses and Disclosures for Treatment, Payment, and Health Care Operations," which is at <http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveridentities/usesanddisclosuresfortpo.html> on the HHS website.
- Review the "Summary of the HIPAA Privacy Rule" at <http://www.hhs.gov/ocr/privacy/hipaa/understanding/summary/index.html> on the HHS website.

HIPAA does not require providers to eliminate all incidental disclosures

- The Privacy Rule recognizes that it is not practicable to eliminate all risk of incidental disclosures. That is why, in August 2002, HHS adopted specific modifications to that Rule to clarify that incidental disclosures do not violate the Privacy Rule when providers and other covered entities have policies which reasonably safeguard and appropriately limit how protected health information is used and disclosed.
- Office for Civil Rights (OCR) guidance explains how this applies to customary health care practices, for example, using patient sign-in sheets or nursing station whiteboards, or placing patient charts outside exam rooms. At the HHS/OCR website, see the FAQs in the "Incidental Uses and Disclosures" subcategory; search the FAQs on terms like "safeguards" or "disclosure"; or review the fact sheet on incidental disclosures. The fact sheet is at <http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveridentities/incidentallusesanddisclosures.html> on the HHS website.

HIPAA is not anti-electronic

Doctors can continue to use e-mail, the telephone, or fax machines to communicate with patients, providers, and others using, appropriate safeguards to protect patient privacy just as many were doing before the Privacy Rule went into effect. Additional information on this topic can be found at <http://www.hhs.gov/hipaafaq/providers/smaller/482.html> on the HHS website.

HIPAA does not cut off all communications between providers and the families and friends of patients

- Doctors and other providers covered by HIPAA can share needed information with family, friends, or with anyone else a patient identifies as involved in his or her care as long as the patient does not object.
- The Privacy Rule also makes it clear that, unless a patient objects, doctors, hospitals and other providers can disclose information when needed to notify a family member, or anyone responsible for the patient's care, about the patient's location or general condition.
- Even when the patient is incapacitated, a provider can share appropriate information for these purposes if he believes that doing so is in the best interest of the patient.
- Review the provider's guide on communications with a patient's family, etc. at http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/provider_ffg.pdf on the HHS website.

HIPAA does not stop calls or visits to hospitals by family, friends, clergy or anyone else

- Unless the patient objects, basic information about the patient can still appear in the hospital directory so that when people call or visit and ask for the patient, they can be given the patient's phone and room number, and general health condition.
- Clergy, who can access religious affiliation if the patient provided it, do not have to ask for patients by name.
- See the FAQs in the "Facility Directories" at <http://www.hhs.gov/hipaafaq/administrative> on the HHS website.

HIPAA does not prevent child abuse reporting

Doctors may continue to report child abuse or neglect to appropriate government authorities. See the explanation in the FAQs on this topic, which can be found, for instance, by searching on the term "child abuse;" or review the "Public Health" fact sheet at <http://www.hhs.gov/ocr/privacy/hipaa/understanding/special/publichealth/index.html> on the HHS website.

Additional Information

The HHS complete listing of all HIPAA medical privacy resources is available at <http://www.hhs.gov/ocr/privacy> on the HHS website.

This fact sheet was current at the time it was published or uploaded onto the web. Medicare policy changes frequently so links to the source documents have been provided within the document for your reference.

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