

HIPAA Frequently Asked Questions

If a patient's family member or friend asks about your patient, what do you say?

You cannot share a patient's information with the patient's family or friends unless given permission. You can, however, share a patient's information with the patient's family member or friend, with permission, so long as the information is limited to information directly relevant to that person's involvement in the patient's care. Even with permission, you must follow the "minimum necessary" standard.

What is the "minimum necessary" standard?

The Privacy Rules require that you and other staff at the home health agency limit the amount of protected health information that is disclosed to the "minimum" amount that is necessary to get the job done.

How do you determine what is the minimum necessary?

The Privacy Rule requires that you make a reasonable effort to limit the use and disclosure of personal health information. You need to know and follow the guidelines used by your agency.

May you, an agency nurse, or other home care professional "fax" a patient's medical information to a physician's office or to the patient's insurance provider?

Yes. You must, however, comply with the Privacy Rules' requirements for disclosures. Do not fax any transmission unless you know and follow your agency's fax policies.

Can protected health information be transmitted through email?

Generally protected health information should not be transmitted by you through e-mail. E-mail is an insecure form of communication and HIPAA specifically requires controls to ensure integrity and confidentiality of protected health information. There are ways to secure e-mail communication. You need to check with your supervisor or your agency IT specialist. Do not send any e-mail transmission unless you know and follow your agency's e-mail policies.

What are the repercussions of non-compliance with HIPAA?

Not only could you lose your job, but also failure to comply with HIPAA requirements could result in significant financial loss through civil penalties and could damage to your reputation.

Does the consent requirement restrict your ability to consult with other providers about your patient's condition?

No. Consulting with another health care professional about the patient's condition falls within the definition of "treatment" and is permissible. You must obtain consent to use the patient's health information for treatment purposes.

May consent be obtained by a health care provider only one time if the treatment involves multiple visits?

Yes. A health care provider needs to obtain consent from a patient only one time?

Can a patient withdraw consent?

Yes.

Must a revocation of consent be in writing?

Yes.

Does the Privacy Rule allow parents the right to see their children's medical records?

Yes. Parents who are their child's personal representatives have access to this information. There are two expectations – when the parent agrees that the minor and the health care provider have a confidential relationship and when the provider reasonably believes in her professional judgment that the child has been or may be subjected to abuse or neglect. Make sure you know and follow your agency policies.

Does the Privacy Rule provide rights for children to be treated without parental consent?

No.

Can a patient have a friend or family member pick up a prescription for her?

Yes.