

HIPAA Monthly Alert



2020 February

Liberty Healthcare Corporation

 Questions regarding this alert?
Contact: Judith Ann Shields, Privacy Officer

 judith.shields@libertyhealth.com

 (610) 668-8800 ext.193

Important HIPAA Facts:

- The privacy rule prohibits healthcare providers and plans from disclosing personal health information to employers without a patient's explicit, written authorization. A valid authorization under the law must include a description of the information to be shared, the name of the person allowed to use or disclose the information, an expiration date, and the signature of the individual.
- Disclosure is mandated in only two situations:
 1. to the individual patient upon request, or
 2. to the Secretary of HHS for use in oversight investigations
- Disclosure is permitted, not mandated, for other uses under certain limits and standards, such as to carry out treatment, payment, or healthcare operations, or under other applicable laws.
- Even if a person is the victim of an egregious violation of the HIPAA Privacy Rule, the law does not give people the right to sue. Instead, individuals must file a written complaint with the Secretary of HHS via the Office for Civil Rights. It is then within the Secretary's discretion to investigate the complaint. HHS may impose civil penalties ranging from \$100 to \$25,000 and criminal sanctions ranging from \$50,000 to \$250,000. Corresponding prison terms may be enforced by the Department of Justice.
- No consent is necessary for one doctor's office to transfer a patient's medical records to another doctor's office for treatment purposes. The privacy regulation specifically states that a covered entity "is permitted to use or disclose protected health information" for "treatment, payment, or healthcare operations" without patient consent.

References:

<https://www.hhs.gov/hipaa/for-professionals/covered-entities/fast-facts/index.html>

<https://www.mdmag.com/journals/mdng-neurology/2007/oct2007/10myths>

Please look for next month's HIPAA alert delivered through your email. You can also find the HIPAA monthly alerts on Employee Self Service (ESS).