

HIPAA

MONTHLY ALERT

December 2017

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule provides patients/clients with important privacy rights and protections with respect to their health information, including important controls over how their health information is used and disclosed by health plans and health care providers. Liberty's Corporate Compliance Department believes that outlining strong privacy protections in our standard operating procedures **is crucial to maintaining patient/client trust in Liberty's healthcare providers, particularly the sensitive information regarding their mental health.** For the month of December, we want to outline how to balance privacy of sensitive information with sharing information for the best possible outcome.

Sharing Information related to mental health. "The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule provides patients/clients with important controls over how their health information is used and disclosed" but the Privacy Rule recognizes that circumstances arise where health information needs to be shared for the safety and protection of the patient/client. Examples of such communication include:

1. **The Patient/Client Does Not Object** – When a family member or friend is invited by the patient/client to be with them when their mental health treatment is disclosed and/or discussed, the healthcare provider may do so unless the client/patient objects to any specific information.
2. **Psychotherapy Notes** – The Privacy Rule requires authorization from the patient/client prior to a disclosure of psychotherapy notes for any reason.
3. **Temporary Psychosis/Alcohol/Drug impairment** –The healthcare provider can discuss with family members treatment that involves urgent care and is in the patient/client's best interest, but they must obtain patient /client approval for any future disclosures as soon as the patient/client regains the capacity to make decisions.

Reference: <https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html>

Please look for next month's HIPAA Alert delivered through your email.
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