

MEDICAL PRIVACY OF PROTECTED HEALTH INFORMATION



TARGET AUDIENCE

Medicare Fee-For-Service Providers

The Hyperlink Table at the end of the document provides the complete URL for each hyperlink.

MEDICAL PRIVACY

The Department of Health & Human Services (HHS) Office for Civil Rights (OCR) provides guidance to professionals for the most common Health Insurance Portability and Accountability Act (HIPAA) issues and topics related to medical privacy. Visit the OCR website at <https://www.hhs.gov/hipaa/for-professionals/index.html>.

HEALTH CARE PROFESSIONALS' PRIVACY GUIDE

The [Health Insurance Portability and Accountability Act of 1996 \(HIPAA\)](#) is a Federal law that sets national standards of how health plans, health care clearinghouses, and most health care providers protect the privacy of a patient's health information. Below, find the latest provisions that strengthen the privacy and security protections for health information established under HIPAA.

HEALTH PRIVACY AND SECURITY PROTECTIONS

Some of [HIPAA's privacy and security protections](#) for health information include the following:

- Patients may ask for an electronic copy of their electronic medical records
- Patients, paying cash for their treatment, may restrict their health plan's access to that treatment information
- Individuals may authorize their health information for research purposes
- The HIPAA Privacy Rule protects an individual's genetic information and prohibits most health plans from using or disclosing genetic information for underwriting purposes

HIPAA BALANCES PRIVACY AND PATIENT CARE

HIPAA balances patient care and other important purposes while providing Federal protections for individually identifiable information. It does not interfere with the delivery or coordination of health care.

CONSENT FORMS

HIPAA **does not** require patients to sign consent forms before doctors, hospitals, or ambulances may share information for treatment, payment, and health care operations. You may share patient treatment information with other health care professionals without obtaining a signed patient authorization.

INCIDENTAL DISCLOSURES

The Privacy Rule recognizes that it is not practicable to eliminate all risk of incidental disclosures. Incidental disclosures do not violate the rules when you have policies that reasonably safeguard and appropriately limit how protected health information is used and disclosed.

The Office for Civil Rights (OCR) provides guidance about 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).

Search for terms such as “safeguards” or “disclosures” on the [Frequently Asked Questions \(FAQs\)](#) webpage or refer to the [Incidental Uses and Disclosures](#) FAQs subcategory.

ELECTRONIC COMMUNICATIONS

HIPAA allows you to use email, the telephone, or fax machines to communicate with patients and other health care professionals using appropriate safeguards to protect patient privacy. Review additional information at <https://www.hhs.gov/hipaa/for-professionals/faq/482/does-hipaa-permit-a-doctor-to-share-patient-information-for-treatment-over-the-phone/index.html>.

HIPAA Privacy Rule [guidance documents](#) related to the electronic exchange of health information are included in the [Privacy & Security Resources & Tools](#) webpage.

How Can You Protect and Secure Health Information When Using a Mobile Device?

1. Use a password or other user authentication
2. Install and enable encryption
3. Install and activate remote wiping and/or remote disabling
4. Disable and do not install or use file sharing applications
5. Install and enable a firewall
6. Install and enable security software
7. Keep your security software up to date
8. Research mobile applications (apps) before downloading
9. Maintain physical control
10. Use adequate security to send or receive health information over public Wi-Fi networks
11. Delete all stored health information before discarding or reusing the mobile device

SHARING PATIENT HEALTH STATUS AND LOCATION

Unless a patient objects, HIPAA permits:

- Health care professionals covered by HIPAA may provide information to a patient's family, friends, or anyone else identified by the patient as involved in his or her care
- Hospitals and health care professionals may notify a family member or anyone responsible for the patient's care about the patient's location or general condition
- Hospitals may include basic information such as the patient's phone and room numbers in a hospital directory

For more information, review the [Communicating with a Patient's Family, Friends, or Others Involved in the Patient's Care](#) guide. Also refer to the [Facility Directories FAQs](#) webpage.

MENTAL HEALTH GUIDANCE

For guidance on sharing information related to mental health, visit <https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html>.

CLERGY AND FAMILY GUIDANCE

Members of the clergy may access a patient's religious affiliation (if provided) and do not have to ask for a patient by name.

If your patient is incapacitated, you may share appropriate information with the patient's family or friends if you believe doing so is in your patient's best interest.

HIPAA does not prevent calls or visits to hospitals by a patient's family or friends, the clergy, or anyone else.

HIPAA DOES NOT PREVENT CHILD ABUSE REPORTING

You may report child abuse or neglect to appropriate government authorities. For more information, search using the term "child abuse" on the [FAQs](#) webpage or review the [Public Health](#) fact sheet.

For more general information about HIPAA, review:

- Answers to [FAQs about HIPAA](#)
- The [Uses and Disclosures for Treatment, Payment, and Health Care Operations](#) fact sheet
- The [Summary of the HIPAA Privacy Rule](#)
- [HIPAA Basics for Providers: Privacy, Security, and Breach Notification Rules](#)

Also, the following are examples of some of the most-discussed HIPAA-related FAQ topics on the HHS website:

- [Smaller Providers and Businesses](#)
- [Right to Access and Research](#)
- [Business Associates](#)
- [Health Information Technology](#)
- [Mental Health](#)

RESOURCES

FOR MORE INFORMATION ABOUT...	RESOURCE
Communicating with a Patient's Family, Friends, or Others Involved in the Patient's Care	https://www.hhs.gov/sites/default/files/provider_ffg.pdf
Health Information Privacy	https://www.hhs.gov/hipaa/index.html
Health Information Technology	https://www.hhs.gov/hipaa/for-professionals/special-topics/health-information-technology/index.html
Health Insurance Portability and Accountability Act of 1996	https://aspe.hhs.gov/report/health-insurance-portability-and-accountability-act-1996
HIPAA Basics for Providers: Privacy, Security, and Breach Notification Rules	https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/MLN-Publications-Items/ICN909001.html
HIPAA Electronic Communication	https://www.hhs.gov/hipaa/for-professionals/faq/482/does-hipaa-permit-a-doctor-to-share-patient-information-for-treatment-over-the-phone/index.html
HIPAA FAQs for Professionals	https://www.hhs.gov/hipaa/for-professionals/faq
HIPAA FAQs for Professionals - Business Associates	https://www.hhs.gov/hipaa/for-professionals/faq/business-associates
HIPAA FAQs for Professionals - Facility Directories	https://www.hhs.gov/hipaa/for-professionals/faq/facility-directories/index.html
HIPAA FAQs for Professionals - Health Information Technology	https://www.hhs.gov/hipaa/for-professionals/faq/health-information-technology
HIPAA FAQs for Professionals - Incidental Uses and Disclosures	https://www.hhs.gov/hipaa/for-professionals/faq/incidental-uses-and-disclosures/index.html
HIPAA FAQs for Professionals - Mental Health	https://www.hhs.gov/hipaa/for-professionals/faq/mental-health/index.html
HIPAA FAQs for Professionals - Right to Access and Research	https://www.hhs.gov/hipaa/for-professionals/faq/right-to-access-and-research/index.html
HIPAA FAQs for Professionals - Smaller Providers and Businesses	https://www.hhs.gov/hipaa/for-professionals/faq/smaller-providers-and-businesses
HIPAA for Professionals	https://www.hhs.gov/hipaa/for-professionals/index.html
HIPAA's Privacy and Security Protections	https://www.gpo.gov/fdsys/pkg/FR-2013-01-25/pdf/2013-01073.pdf
HIPAA Privacy Rule and Sharing Information Related to Mental Health	https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html
Information Related to Mental and Behavioral Health, including Opioid Overdose	https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html
Incidental Uses and Disclosures	https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/incidental-uses-and-disclosures/index.html

FOR MORE INFORMATION ABOUT...	RESOURCE
Privacy & Security Resources & Tools	https://www.healthit.gov/topic/privacy-security-and-hipaa/privacy-security-resources-tools
Public Health	https://www.hhs.gov/hipaa/for-professionals/special-topics/public-health/index.html
Summary of the HIPAA Privacy Rule	https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html
Uses and Disclosures for Treatment, Payment, and Health Care Operations	https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/disclosures-treatment-payment-health-care-operations/index.html

HYPERLINKS

EMBEDDED HYPERLINK	WEB ADDRESS
Communicating with a Patient's Family, Friends, or Others Involved in the Patient's Care	https://www.hhs.gov/sites/default/files/provider_ffg.pdf
Health Information Privacy	https://www.hhs.gov/hipaa/index.html
Health Information Technology	https://www.hhs.gov/hipaa/for-professionals/special-topics/health-information-technology/index.html
Health Insurance Portability and Accountability Act of 1996	https://aspe.hhs.gov/report/health-insurance-portability-and-accountability-act-1996
HIPAA Basics for Providers: Privacy, Security, and Breach Notification Rules	https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/MLN-Publications-Items/ICN909001.html
HIPAA Electronic Communication	https://www.hhs.gov/hipaa/for-professionals/faq/482/does-hipaa-permit-a-doctor-to-share-patient-information-for-treatment-over-the-phone/index.html
HIPAA FAQs for Professionals	https://www.hhs.gov/hipaa/for-professionals/faq
HIPAA FAQs for Professionals - Business Associates	https://www.hhs.gov/hipaa/for-professionals/faq/business-associates
HIPAA FAQs for Professionals - Facility Directories	https://www.hhs.gov/hipaa/for-professionals/faq/facility-directories/index.html
HIPAA FAQs for Professionals - Health Information Technology	https://www.hhs.gov/hipaa/for-professionals/faq/health-information-technology
HIPAA FAQs for Professionals - Incidental Uses and Disclosures	https://www.hhs.gov/hipaa/for-professionals/faq/incidental-uses-and-disclosures/index.html
HIPAA FAQs for Professionals - Mental Health	https://www.hhs.gov/hipaa/for-professionals/faq/mental-health/index.html
HIPAA FAQs for Professionals - Right to Access and Research	https://www.hhs.gov/hipaa/for-professionals/faq/right-to-access-and-research/index.html

EMBEDDED HYPERLINK	WEB ADDRESS
HIPAA FAQs for Professionals - Smaller Providers and Businesses	https://www.hhs.gov/hipaa/for-professionals/faq/smaller-providers-and-businesses
HIPAA for Professionals	https://www.hhs.gov/hipaa/for-professionals/index.html
HIPAA's Privacy and Security Protections	https://www.gpo.gov/fdsys/pkg/FR-2013-01-25/pdf/2013-01073.pdf
HIPAA Privacy Rule and Sharing Information Related to Mental Health	https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html
Information Related to Mental and Behavioral Health, including Opioid Overdose	https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html
Incidental Uses and Disclosures	https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/incidental-uses-and-disclosures/index.html
Privacy & Security Resources & Tools	https://www.healthit.gov/topic/privacy-security-and-hipaa/privacy-security-resources-tools
Public Health	https://www.hhs.gov/hipaa/for-professionals/special-topics/public-health/index.html
Summary of the HIPAA Privacy Rule	https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html
Uses and Disclosures for Treatment, Payment, and Health Care Operations	https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/disclosures-treatment-payment-health-care-operations/index.html

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