



HIPAA REGULATIONS RELATED TO TRANSITION OF CARE

During the IPRO Home Health Acute Care Hospitalization regional workshops one of the barriers related to care transitions that was shared was the refusal of providers to share information such as admitting diagnosis, treatment plan & care management issues with other providers involved in transition and care management of the patient. The most frequent reason cited for refusal to share this information involved concern over "a violation of HIPAA".

Investigation of the Department of Human Services HIPAA website, which can be accessed at http://answers.hhs.gov/cgi-bin/hhs.cfg/php/enduser/std_alp.php, provided clarification of the HIPAA guidelines along with the following Questions & Answers related to this issue. The 45 CFR 164.506 document referenced in the answers listed below is attached in the following pages for review and reference.

Answer ID: 481

Category: Privacy of Health Information / HIPAA - Authorizations-Smaller Providers-Treatment/Payment/Health Care Operations

Question

Does the HIPAA Privacy Rule permit doctors, nurses, and other health care providers to share patient health information for treatment purposes without the patient's authorization?

Answer

Yes. The Privacy Rule allows those doctors, nurses, hospitals, laboratory technicians, and other health care providers that are covered entities to use or disclose protected health information, such as X-rays, laboratory and pathology reports, diagnoses, and other medical information for treatment purposes without the patient's authorization. This includes sharing the information to consult with other providers, including providers who are not covered entities, to treat a different patient, or to refer the patient. See 45 CFR 164.506.

Answer ID: 261

Category: Privacy of Health Information / HIPAA - Authorizations-Smaller Providers-Treatment/Payment/Health Care Operations

Question

Are health care providers restricted from consulting with other providers about a patient's condition without the patient's written authorization?

Answer

No. Consulting with another health care provider about a patient is within the HIPAA Privacy Rule's definition of "treatment" and, therefore, is permissible. In addition, a health care provider (or other covered entity) is expressly permitted to disclose protected health information about an individual to a health care provider for that provider's treatment of the individual. See 45 CFR 164.506.