

Appendix B

HIPAA AND CONFIDENTIALITY ISSUES

HIPAA (Health Insurance Portability and Accountability Act)

The HIPAA privacy rule provides federal protection for a person's physical and mental health information held by covered entities (physicians, hospitals, mental health clinics, nursing homes, etc.) and gives patients an array of rights with respect to that information. This federal law gives the client the right to determine who can have access to the information, whether electronic, written, or oral. It also ensures that the client can have access to his or her record and add or delete data if the file is incorrect. For more information on HIPAA law and for a complete summary of HIPAA regulations and guidelines, visit The U.S. Department of Health and Human Services.

HIPAA Guidelines for Exceptions to Confidentiality

There are a number of circumstances under which the privacy regulations *permit* use and disclosure of protected health information without the client's consent or authorization:

- public health activities as required by state and federal law for such purposes as vital statistics collection and disease reporting;
- reporting of abuse, neglect, or domestic violence to the extent required by law;
- oversight of the health care system;
- law enforcement;
- judicial and administrative proceedings;
- serious, imminent threat to health or safety;
- research purposes;
- specialized government functions;
- worker's compensation—to comply with laws relating to workers' compensation or other similar programs;
- uses and disclosures about decedents (generally to enable coroners, medical examiners, and funeral directors to carry out functions of their job as applicable or authorized by law).

The authorization can be revoked (in writing) except to the extent that the covered entity has already acted in relation to the consent (United States Department of Health