

# Medical Privacy of Protected Health Information

## INTENDED AUDIENCE

**Please note:** The information in this publication applies to all health care professionals and health care organizations. Also, any use of the pronoun “you” refers to the health care professional.

## HEALTH CARE PROFESSIONALS’ PRIVACY GUIDE

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a Federal law that sets national standards for how health care 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.

### MEDICAL PRIVACY

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

Some of [HIPAA’s privacy and security protections](#) for health information includes 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 their treatment information
- Individuals may more easily authorize the use of 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 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. For more guidance, here’s HIPAA at work:

### 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.

### Reviewing HIPAA

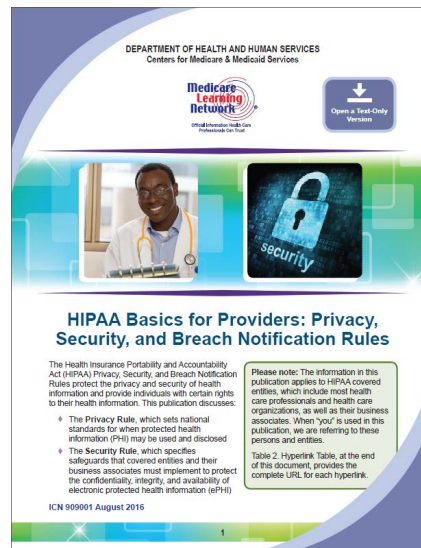
For more general information about HIPAA, review:

- Answers to Frequently Asked Questions (FAQs) about HIPAA at <http://www.hhs.gov/hipaa/for-professionals/faq> on the U.S. Department of Health and Human Services (HHS) website
- The “[Uses and Disclosures for Treatment, Payment, and Health Care Operations](#)” fact sheet on the HHS website
- The “[Summary of the HIPAA Privacy Rule](#)” on the HHS website

The following table illustrates the five most-discussed FAQ topics on the HHS website.

Top Five FAQ Topics	
1	<a href="#">Smaller Providers and Businesses (154)</a>
2	<a href="#">Right to Access (59)</a>
3	<a href="#">Business Associates (45)</a>
4	<a href="#">Health Information Technology (36)</a>
5	<a href="#">Authorizations (30)</a>

Also available, the Medicare Learning Network offers the [HIPAA Basics for Providers: Privacy, Security, and Breach Notification Rules Fact Sheet](#). You may click the fact sheet cover page image below to view more basic information about HIPAA. Learn how you can protect the privacy of your patients.



**Incidental Disclosures**

- The Privacy Rule recognizes that it is not practicable to eliminate all risk of incidental disclosures. Incidental disclosures do not violate the rule 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). Refer to the FAQs in the “Incidental Uses and Disclosures” subcategory or search for terms such as safeguards or disclosures on the [FAQs](#) web page. Review the “[Incidental Uses and Disclosures](#)” fact sheet on the HHS website.

**Electronic Communication**

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 on this topic at <http://www.hhs.gov/hipaa/forprofessionals/faq/482/does-hipaa-permit-a-doctor-to-share-patient-information-for-treatment-over-the-phone/index.html> on the HHS website.





HIPAA Privacy Rule [guidance documents](#) related to the electronic exchange of health information are included in the Privacy and Security Toolkit on the HHS website.

HHS has gathered [tips and information](#) to help you protect and secure health information patients entrust to you when using mobile devices.

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

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

**HIPAA does not cut off all communication between health care professionals and the families and friends of patients.**





**Sharing Patient Health Status and Location**  
Unless a patient objects, HIPAA permits:

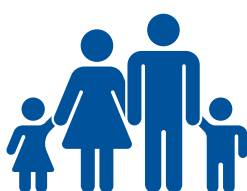
- Health care professionals covered by HIPAA may provide information to a patient’s family, friends, or anyone else identified by the patient as involved in his or her care.
- Hospitals and health care professional may notify a family member or anyone responsible for the patient’s care about the patient’s location or general condition.
- Hospital may include basic information such as the patient’s phone and room number 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 on the HHS website.

Also refer to the Facility Directories FAQs webpage on the HHS website.



**Mental Health Guidance**  
For guidance on sharing information related to mental health, visit <http://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html> on the HHS website.



**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 on the HHS website.



## RESOURCES

The HHS complete listing of all HIPAA medical privacy resources is available at <http://www.hhs.gov/hipaa/index.html> on the HHS website.

RESOURCE	WEB ADDRESS
Health Information Privacy	<a href="https://www.hhs.gov/hipaa/index.html">https://www.hhs.gov/hipaa/index.html</a>
Health Information Technology	<a href="https://www.hhs.gov/hipaa/for-professionals/special-topics/health-information-technology/index.html">https://www.hhs.gov/hipaa/for-professionals/special-topics/health-information-technology/index.html</a>
HIPAA Basics for Providers: Privacy, Security, and Breach Notification Rules	<a href="https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/HIPAAPrivacyandSecurity.pdf">https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/HIPAAPrivacyandSecurity.pdf</a>
HIPAA Electronic Communication	<a href="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">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</a>
HIPAA FAQs for Professionals	<a href="http://www.hhs.gov/hipaa/for-professionals/faq">http://www.hhs.gov/hipaa/for-professionals/faq</a>
HIPAA FAQs for Professionals - Authorizations	<a href="https://www.hhs.gov/hipaa/for-professionals/faq/authorizations">https://www.hhs.gov/hipaa/for-professionals/faq/authorizations</a>
HIPAA FAQs for Professionals - Business Associates	<a href="https://www.hhs.gov/hipaa/for-professionals/faq/business-associates">https://www.hhs.gov/hipaa/for-professionals/faq/business-associates</a>
HIPAA FAQs for Professionals - Health Information Technology	<a href="https://www.hhs.gov/hipaa/for-professionals/faq/health-information-technology">https://www.hhs.gov/hipaa/for-professionals/faq/health-information-technology</a>
HIPAA FAQs for Professionals - Right to Access	<a href="https://www.hhs.gov/hipaa/for-professionals/faq/right-to-access">https://www.hhs.gov/hipaa/for-professionals/faq/right-to-access</a>
HIPAA FAQs for Professionals - Smaller Providers and Businesses	<a href="https://www.hhs.gov/hipaa/for-professionals/faq/smaller-providers-and-businesses">https://www.hhs.gov/hipaa/for-professionals/faq/smaller-providers-and-businesses</a>
HIPAA for Professionals	<a href="https://www.hhs.gov/hipaa/for-professionals/index.html">https://www.hhs.gov/hipaa/for-professionals/index.html</a>
HIPAA's Privacy and Security Protections	<a href="https://www.gpo.gov/fdsys/pkg/FR-2013-01-25/pdf/2013-01073.pdf">https://www.gpo.gov/fdsys/pkg/FR-2013-01-25/pdf/2013-01073.pdf</a>

RESOURCE	WEB ADDRESS
HIPAA Privacy Rule and Sharing Information Related to Mental Health	<a href="https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html">https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html</a>
How Can You Protect and Secure Health Information When Using a Mobile Device?	<a href="https://www.healthit.gov/providers-professionals/how-can-you-protect-and-secure-health-information-when-using-mobile-device">https://www.healthit.gov/providers-professionals/how-can-you-protect-and-secure-health-information-when-using-mobile-device</a>
Incidental Uses and Disclosures	<a href="http://www.hhs.gov/hipaa/for-professionals/privacy/guidance/incidental-uses-and-disclosures/index.html">http://www.hhs.gov/hipaa/for-professionals/privacy/guidance/incidental-uses-and-disclosures/index.html</a>
Public Health	<a href="https://www.hhs.gov/hipaa/for-professionals/special-topics/public-health/index.html">https://www.hhs.gov/hipaa/for-professionals/special-topics/public-health/index.html</a>
Summary of the HIPAA Privacy Rule	<a href="http://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html">http://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html</a>
Uses and Disclosures for Treatment, Payment, and Health Care Operations	<a href="http://www.hhs.gov/hipaa/for-professionals/privacy/guidance/disclosures-treatment-payment-health-care-operations/index.html">http://www.hhs.gov/hipaa/for-professionals/privacy/guidance/disclosures-treatment-payment-health-care-operations/index.html</a>

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