

PROACTIVELY DEALING WITH PATIENT PRIVACY RIGHTS



I have, unfortunately, had several recent situations where I was confronted with the Health Insurance Portability and Accountability Act (HIPAA). You've signed HIPAA forms dozens of times by now.

I'm writing this to give you insight as to the consequences of this law. Dealing with these potential consequences is something you should discuss with an attorney - and believe me when I say that this is something that you should consider doing because when HIPAA laws impede you is when you most desperately need your rights defined.

In short, HIPAA is a law that required the creation of national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge. And the positive feature of this law is that it protects you from a health care provider releasing your medical information without your approval.

But the negative side of this law is that it prevents you from gaining access to medical information concerning any loved ones who are considered adults. Think of your 21-year-old child that is hospitalized. As a caring parent, you'd like insight into the child's condition and influence in the care being provided to assist in recovery. The law prevents providers from discussing this with you or enabling you to make recommendations unless your child gives you explicit rights while in discussions with doctors. What if your child (or aged parent) is unable to communicate?

In addition, the law prevents you from gaining access to patient records of a loved one who may have died while under medical care.

My recommendation is that you consider how this law might adversely affect your ability to be informed and aid a loved one in the event of a medical emergency... and then please, talk to an attorney to solve that problem proactively. This will be money well spent!