

## Optometry Coding & Billing Alert

### HIPAA Question of the Month: Share Info for Treatment Only

**Question:** One of our office employees moonlights at a long-term care facility. Under what circumstances can he share PHI with our staff about a patient he cared for at another facility?

Pennsylvania Subscriber

**Answer:** Sharing PHI is -not appropriate unless it's particularly for treating the patient,- says attorney **Kirk Nahra**, a partner in the D.C. office of Wiley Rein & Fielding. If both facilities have an established treatment relationship with the patient, the employee could provide valuable information that would benefit all parties. However, if he is sharing the information simply because he is aware of it or for the purpose of gossip, that is inappropriate and violates the patient's privacy.

If the employee has information about misconduct or abuse of a patient, then he should address those concerns to his supervisor at the facility where the behavior is occurring--not to staff at a separate facility--or, if necessary, to law enforcement. This disclosure is protected under HIPAA's whistleblower provision. But generally speaking, -there shouldn't be any communication unless it's for treatment purposes,- says **Margret Amatayakul** of Margaret/A Consulting in Schaumburg, Ill.

**Bottom line:** If your employee is sharing information about patients for reasons other than treatment, payment or healthcare operations, that behavior violates HIPAA and must be reported and corrected before it hurts your facility. Any whistleblowing should happen internally unless law enforcement must be involved.