

Optometry Coding & Billing Alert

Reader Question: Fix Faxing for HIPAA Compliance

Question: I accidentally reversed two digits of a fax number and faxed medical information to the wrong location. My coworker said not to worry, that it's not a big deal. Is this a HIPAA violation?

North Dakota Subscriber

Answer: Faxing errors are indeed a "big deal."

You are definitely violating HIPAA if you fax protected health information (PHI) to the wrong person.

In some cases, you may have to notify the patient of your error, although that depends on whether you know who wrongly received the fax and can get the fax back or if the fax contains sensitive medical information.

If you're not sure whom the fax went to, can't get it back, and the fax contains sensitive medical information, you may have to notify the patient.

If the personal health information was not sensitive, it likely will not result in any severe consequences.

In the future, make sure you use a fax cover sheet with a disclaimer at the bottom with both receiver and sender information, a space for "special instructions," a "notice of disclosure," and a statement that the fax is intended only for the designated recipient. Here is an example from attorney **John Gilliland** of Gilliland & Caudill in Indianapolis:

"This message is confidential, intended only for the named recipient(s) and may contain information that is privileged or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at either the fax address or the telephone number above and or discard this fax. Thank you."