

Long-Term Care Survey Alert

Reader Questions: Get the HIPPA Scoop on How to Handle Resident/Family Requests for Medical Records

Question: What if the facility suspects a family member is requesting records related to potential litigation?

Answer: The same analysis applies as in the preceding answer -- you'd only release the records with written authorization, says Berchem. She reports being involved in scenarios where a family requests medical records as a prelude to potential litigation following a resident's death. Before releasing the records, however, the facility can ask the family member to provide verification of his/her status as executor or legal next of kin, she says.

However, as a "gesture of good faith" when the person requesting the records "is clearly the appropriate next of kin, the facility may want to release the record without requiring the family to obtain the formal paperwork," Berchem adds. This tactic can "avoid further agitating what may be an already upset family." She stresses, however, that "the facility should only do this where they are confident that the person requesting the records is the legal next of kin."