

OASIS Alert

Reader Question: CAN HOSPITALS RESTRICT YOUR ACCESS TO YOUR PATIENT'S CHART?

Q: During a home health episode, our patients sometimes are admitted to the hospital, but we still want to keep up with the patient's condition to do discharge planning. Can the hospital tell us we can't have access to the chart during the hospitalization?

A: In some situations hospitals can limit your access to the patient's record, experts say, although not to the patient.

But the hospital can't accurately blame the Health Insurance Portability and Accountability Act for denying access, says **William Dombi**, vice president for law with the **National Association for Home Care & Hospice's** Center for Health Care Law. Sharing of protected health information is clearly allowed between treating providers under HIPAA, so if the agency plans to treat the patient after discharge, it qualifies for the HIPAA consent exception for that patient, Dombi explains.

Hospitals may have a non-access policy for security or other non-HIPAA reasons, points out attorney **Virginia Caudill** with Indianapolis-based **Gilliland & Caudill**, but only if the policy applies to all home health agencies, including its own.

And of course you have a right to make a social visit to the patient during normal visiting hours, counsels attorney **Deborah Randall** with **Arent Fox** in Washington, DC. Any attempt to limit this would violate a patient's right to visitation, she says.