

# Health Information Compliance Alert

## Health Information News

### Teen Santa 'Scrooged' By HIPAA

The **Children's Hospital of Wisconsin** will not allow Robin Krawchuk to deliver in person toys that were collected for distribution to children there suffering from lymphomatic leukemia.

Krawchuk has visited Children's Hospital to deliver toys since she was 13 years old. It was only this year that the hospital refused to allow her to deliver the gifts in person. "We have policies that don't make it possible to allow anyone under the age of 16 to visit unless they are a relative," said **Jackie Gauger**, a spokeswoman for Children's Hospital, according to the Associated Press.

Gauger said HIPAA requires the hospital to provide a good reason for why any given patient has visitors. "With HIPAA, part of the message was that we're responsible for who has contact with the patient and we ought to be able to justify and have good reason and show that we're not being inappropriate with patient information," she said. In addition to HIPAA's privacy rule, Gauger said infection control is crucial in the case of children whose immune systems are weakened by their illness, and that the risk of infection was another reason why Krawchuk was not permitted to deliver the toys, the AP reports.

### DOES HIPAA DETRACT FROM WORLD AIDS DAY?

AIDS victims around the world were remembered Dec. 1 during World AIDS day, which commemorates those who died from the disease. Honoring those victims had never been a problem - until HIPAA came along, some say.

Infectious disease doctor **J. Peter Rissing** at the **Medical College of Georgia**, said honoring AIDS victims could be considered a disclosure of protected health information.

Normally, he noted, luminarias are put together by those "who wanted to remember a friend or a loved one and put their name on that. Well, that's not HIPAA-compliant," he added, according to the Augusta Chronicle.

Because of HIPAA's restriction of PHI, the group sponsoring this year's remembrance has received some alternative suggestions for remembering the dead. "They can put their initials on [the luminaries]. They can put the first name on there," said Rissing.

Although families and friends had asked in the past for names to be included on the luminarias, this year, the families will have to inscribe the bags themselves, and they will be asked not to use last names, said **Willa Mitchell**, the communicable diseases coordinator for the city's East Central Health District, the Chronicle reports.

Roughly 75 to 100 luminarias - a small representation of the much larger number of AIDS victims - line the path at the beginning of the remembrance walk. Despite the changes required to comply with HIPAA's privacy rule, officials hope that the message from the long rows of lights will still come through, Mitchell said.

## **LEARNING CHANNEL SUED FOR ALLEGED PRIVACY BREACH**

**The Learning Channel's** (TLC) "True Stories From The Morgue," a reality television show focusing on forensic science, is being sued by the family of a man it showed on a May 27 episode.

TLC showed videotape of **Francis Reidy III's** corpse in an autopsy room in Nashville. The camera revealed Reidy's broken nose, mouth and chin and then panned down to the decedent's ankle, on which was a yellow band identifying him as "John Doe," the Washington Post reports.

While the TLC show did not identify Reidy by name, the show's narrator did discuss the man's romantic relationship with country singer **Carlene Carter** and showed two tattoos on Reidy's back and shoulder. The tattoos served to identify Reidy to those who knew him.

Reidy's parents learned of the episode only after it had aired and subsequently filed a suit against TLC, alleging violation of privacy, emotional damage and negligence. In addition, Reidy's parents are suing TLC's parent company, **Discovery Communications, Inc.** and the medical examiners involved in the episode, among others. "Your child is a part of you. That part of you is on that film. I didn't say it was okay for them to do that, neither did his dad," said **Cheryl Reidy**, the Post reports.

One of the medical examiners involved in the TV show, **Bruce Levy**, said it was up to the show's production unit to inform the families in advance that their deceased relatives would be filmed.

Another medical examiner, **David Fowler**, said he was contacted by the show's producers in June but turned them down. "I didn't see anything positive in this for the medical examiner's office," he said, "and I saw an awful lot of major, major problems, most of which are going to be causing a great deal of pain for the family."

Editor's Note: To read the story in its entirety, go to [www.washingtonpost.com/wp-dyn/articles/A269202003Dec1.html](http://www.washingtonpost.com/wp-dyn/articles/A269202003Dec1.html).