

Health Information Compliance Alert

HEALTH INFORMATION NEWS

CAN YOU KEEP YOUR PATIENTS' PHI OUT OF THE LEGAL CROSSFIRE?

Your patients' medical records could become the center knot in a judicial tug of war. That's what prosecutors claim is happening in the **Michael Jackson** alleged child molestation case, the Houston Chronicle reports.

Jackson's attorneys subpoenaed the alleged victim's family's medical records, including "copies of X-rays, lab tests, MRI film, ultrasounds, gynecological records, billing records, examinations, medical diagnosis and history of medications," prosecutor **Ronald Zonen** stated to the court. The defense attorneys' subpoenas also barred medical staff from notifying prosecutors when a court order was received, Zonen noted.

Prosecutors filed a motion with the court to overturn the order that prohibits staff from notifying prosecutors when a subpoena is received. They also asked the judge to curb the defense's file-fishing.

Jackson's trial is scheduled to begin Jan. 31, but Superior Court Judge **Rodney Melville** plans to address this issue at a Nov. 29 hearing.

The Bottom Line: Prosecutors claim Jackson's defense team is using these subpoenas to bully the victim's family into dropping the molestation charge. While both teams are under a gag order, you can expect a flurry of activity from both sides as the trial date approaches.

FACE YOUR FAXES TO FEND OFF PHI BREACHES

Do you wait patiently by the machine for your PHI-laden faxes to come through? Failure to do so could jeopardize your privacy compliance.

Col. **Rob Stall**, an Army reservist and clinic administrator, learned his lesson the hard way when another employee at the Cleveland Clinic received a fax containing military information - including soldiers' Social Security numbers, the Cleveland Plain Dealer reports.

While Stall claimed the documents were not confidential, nurse **Terence Semenech** saw it differently. "How secure is our information that something like this could occur? How secure are we?" he questioned.

The information was part of a training plan for a unit of doctors, lawyers and city planners slated to go to Iraq next year to distribute food, water and first aid, as well as to help rebuild the country. Stall explained the faxing mishap as human error due to one incorrect number.

The Bottom Line: You have to train your staff to double check fax numbers before sending out patients' information. Failure to do so could put your patients' medical data in the wrong hands - and your organization in the hot seat.