

Health Information Compliance Alert

Reader Question: Can You Let NPP Rules Slide In This Situation?

Question: We sometimes need to collect preoperative information about a new patient over the phone prior to the day of surgery. Usually, we haven't seen this patient in our office before. Does HIPAA prohibit doing this if the patient has not received or acknowledged our Notice of Privacy Practices (NPP)?

Answer: No, the HIPAA Privacy Rule does not prohibit this practice when a healthcare provider's initial contact with a patient is simply to schedule an appointment or procedure, or to collect information prior to an appointment or procedure, answers the **HHS Office for Civil Rights** (OCR).

What to do: The Privacy Rule allows you to have this phone communication, even if you're gathering health information from the patient, without attempting to offer that patient your NPP. You can satisfy the Privacy Rule's requirements for providing the NPP and obtaining the patient's acknowledgement of receipt when the patient arrives at your facility for his appointment or procedure, OCR instructs.