

Health Information Compliance Alert

READER QUESTION: Just Say "No" To Legislative Queries

Question: Legislative staffers have contacted several of our physicians recently wanting to discuss patients' health information (i.e., status, treatment and payment arrangements) for the purpose of devising healthcare reforms. Are our physicians able to discuss this information?

Maine Subscriber

Answer: Not without their patients' permission, experts warn. Physicians can only share de-identified information, as the privacy rule protects all personally identifiable health information, according to **Robert Markette** with Gilliland & Caudill in Indianapolis.

HIPAA makes exceptions for disclosing PHI to health oversight agencies and law enforcement, but releasing it to legislative staffers "falls outside the scope of any permissible disclosure and so [requires] the authorization of the patient," says **Brian Gradle** with DC-based Hogan & Hartson.

The bottom line: No one has access to patients' PHI without approval, even legislative organizations. Take out the personal identifiers before sharing any PHI unless you ask your patients first.