

## Health Information Compliance Alert

### Reader Question: Power of Attorney Remains Intact

Question: How does the Privacy Rule affect how hospitals should treat power of attorney? Does the rule dictate changes in how the patient should grant it?

Mississippi Subscriber

Answer: No. The Privacy Rule does not conflict with any existing laws (state or otherwise) regarding power of attorney, according to the **Department of Health and Human Services (HHS)**.

The provisions of the Rule that pertain to personal representatives are intended to work in cooperation with such laws, and thus do not override or conflict with rules regarding power of attorney or the appointment of other personal representatives.

If a person has already been granted the authority to make health care decisions for another individual, the provisions of the Privacy Rule would generally allow that person to exercise the rights of that individual in relation to health information.