

Health Information Compliance Alert

Reader Questions: Ask Before You Pry Into Payment Arrangements

Question: One of our patients was admitted as selfpay. Previously, Medicare covered her medical expenses. We want to investigate whether she is eligible for Medicare, but we would need to provide her PHI to the government agency. Can we investigate without her authorization?

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Answer: "Yes," says **Kirk Nahra**, an attorney with Wiley Rein & Fielding in Washington, DC. "The investigation is for the provider's treatment, payment or health care operations," he explains.

Important: To remain in compliance, you must abide by the minimum necessary rule, Nahra reminds. That means "you can't contact every payer in the country to figure out if the person is covered," he says.

The bottom line: Although checking into your patient's Medicare status is not a clear violation of the privacy rule, doing so could lead to trouble if your patient doesn't want you to look into her payment arrangement, Nahra notes. To be safe, ask your patient if she is OK with you looking into another payment option, he says.