

Health Information Compliance Alert

READER QUESTIONS: AUTHORIZE RELEASE FOR EMPLOYER DRUG TESTS

Question: A patient came in for a drug test that was initiated and paid for by her employer. Do we need the patient's authorization to release the test results to her employer?

Answer: "Yes," assures **William Hubbartt**, consultant for **Hubbartt & Associates** in St. Charles, IL. "If it's employer policy to test employees, then the requirement for authorization is imposed," he says.

Exception: Drug tests initiated by workers' compensation claims or the Department of Transportation are exempt from the authorization requirement, Hubbartt counsels.

Strategy: Create an authorization for employees to take to their provider. Include in that authorization that "if the employee doesn't sign the form, then you can't make an employment decision and therefore have to let her go," Hubbartt advises.

The Bottom Line: Simply initiating a drug screening does not entitle you to an employee's PHI. Avoid potential privacy restraints by building policies and procedures that will allow you to access important employee health information, Hubbartt recommends.