

Health Information Compliance Alert

READER QUESTIONS: CAST A CRITICAL EYE ON RESEARCH REQUESTS

Question: A visiting doctor wants to use our patients' medical information in an article she is co-authoring with three other doctors. Would this be covered under the privacy rule's research allowance, or do we need to ask our patients to authorize this disclosure?

Mississippi Subscriber

Answer: You have to ask for your patients' authorization for this disclosure, says **Debbie Larios**, an attorney with **Miller & Martin** in Nashville, TN. "The privacy rule's research provision is for clinical trials with an internal review board's approval," she explains.

Try this: Ask the visiting doctor to narrow down what kind of patients she and the other authors are interested in studying. Then you can track down those patients only, she suggests. Caution: This will involve a ton of work and may not be very successful, Larios warns.

The bottom line: Unless you have the time and resources to devote to the necessary legwork, your safest bet is to deny the visiting physician access to your patients' medical information, Larios advises.