

Health Information Compliance Alert

Reader Questions: Citizen HIPAA

Question: Our office was asked for a patient's medical record in accordance with the Patriot Act. How do we verify this request?

Answer: Your office should never act on a Patriot Act request for information unless the request is accompanied by proof that it is absolutely necessary, experts say. And, you should contact your legal counsel before you disclose anything, asserts **Mark Schreiber**, an attorney with **Boston's Palmer & Dodge**.

According to the AHIMA's "Homeland Security and HIM," all requests for information under the Patriot Act must be made first to a judge or magistrate -- not your office. Once a designated official has ruled on the request, it can then be delivered to your door.

Remember: You must obtain proof that a judge ruled the request necessary for an "authorized investigation not concerning an American or to protect against terrorism or clandestine intelligence."

The Bottom Line: Hand over all information requests tagged for intelligence purposes to your legal counsel. Your attorney is better equipped to know "under what authority the agent is coming to you and under what authority you can make the disclosure," Schreiber says.