

Health Information Compliance Alert

READER QUESTIONS: GUARDIAN CAN DENY PHI ACCESS

Question: One of our minor patients wants a copy of her medical records; however, her custodial guardian objects to the release. Can our facility disclose the record or would that violate the privacy rule?

Answer: "The privacy rule allows a parent or guardian to deny a minor's access to her records," counsels **Daniel Shepherd**, Privacy Officer for Ocean Springs, MS' **Singing River Hospital System**.

The Bottom Line: A minor can access her medical record if state law permits the release, if the judge orders the release or if the minor is emancipated, Shepherd offers.