

Health Information Compliance Alert

Reader Questions: HIPAA Doesn't Halt For Holidays

Question:

Our office wants to create a display at the local shopping center to remember our patients who have died this year. Family members, friends or staffers could donate mementos bearing patients' names, birth and death dates and any other special comments. The display would be open for viewing throughout December. Does HIPAA prohibit this type of memorial?

-- Texas subscriber

Answer:

"No," says partner **Debbie Larios**, an attorney in Nashville, TN's **Miller & Martin**. **Caution:** In order to spearhead the memorial, you'd need to obtain an authorization for each patient you plan to recognize, she asserts.

Best bet: Rather than sponsor the display, encourage your deceased patients' families to commemorate their loved ones, Larios advises. That way, your staff can contribute to the memorial without sacrificing patient confidentiality, she explains.

The Bottom Line: Your staff's comments should be as general as possible -- "stay away from birth and death dates" or other information that could be construed as PHI, Larios warns. And the more active your patients' families are in organizing and maintaining the display, the less likely you are to run into any problems, she counsels.