

## Health Information Compliance Alert

### READER QUESTIONS: KEEP CRIMES FROM KILLING YOUR COMPLIANCE EFFORTS

**Question:** Law enforcement officers recently contacted us about a patient that was treated in our ER while in the possession of illegal drugs. The officers want both the illegal substance and our records of the patient's visit. Does the privacy rule allow us to comply with this demand?

Idaho Subscriber

**Answer:** "It depends," asserts **Robert Markette**, an attorney with **Gilliland Markette & Milligan** in Indianapolis. "You have to decide if you consider possession a crime on your premises," he says.

If you place drug possession in the 'crime' category, then you can disclose any patient information relevant to that act, Markette advises. However, you cannot use the crime as "carte blanche to disclose the patient's medical record," he says.

**The bottom line:** Before you hand anything over to law enforcement, be sure you filter out any information not related to the crime, Markette recommends. And remember to consult your state's laws before you make any decisions, he adds.