

## Health Information Compliance Alert

### READER QUESTIONS: ON THE ROAD TO RECOVERY

**Question:** One of our nurses was cleared to return to work after being out with a back injury, but we want one of our doctors to examine her before she returns. Do we need her authorization to obtain her medical records and a copy of her MRI for the screening?

North Carolina Subscriber

**Answer:** Yes, counsels **Jenny O'Brien**, director of corporate compliance for Minneapolis-based **Allina Hospitals & Clinics**. "You have to get the patient's authorization" in this situation, she says.

**The bottom line:** The fitness for work screening is not a continuation of your nurses' treatment, O'Brien notes. That means it does not fall under treatment, payment or health care operations and she must authorize the release of her PHI to you. Remember: Consult your state's guidelines to determine if another statute trumps HIPAA in this case.