

## Health Information Compliance Alert

### Reader Questions: Solve This Drs Dilemma

Question: If the patient asks for a copy of her medical records, should the records from other physicians be considered part of the designated record set (DRS)?

Answer: "Yes, absolutely," says **Barry Herrin**, an attorney with **Smith Moore** in Atlanta.

According to the HIPAA privacy regulations, while you're not required to amend health information you didn't create, you still have to include those other physicians' records in the DRS because it's information that's being used to assess the patient and provide treatment, he reports.

As an example, Herrin discusses the possibility of your medical practice sending samples out to a lab for testing. When that lab faxes back the results of the tests you ordered, those results are going to go straight into the patient's record because you're going to use that information to treat the patient, he explains.

By that same token, he argues, there's no reason why records from another physician's office should be treated any differently. "As long as you're still using the other provider's information to assess, manage, treat or diagnose the patient," then it must go into the DRS, Herrin maintains.