

Health Information Compliance Alert

READER QUESTIONS: TRAVELING NURSE SHOULD USE DISCRETION

Question: We have a traveling nurse who works at several hospitals in the same town. Can she share with our staff important information about a patient's care gained from another hospital? Are there any limitations on the amount of information she can provide?

Answer: No information should be shared unless it's for the patient's benefit, experts agree. If the nurse has acquired information on patients that is irrelevant to their treatment at the time, she cannot share it. However, "if [a patient] shows up and you say, 'my history with this patient at another facility would help this patient today,'" then disclosing that information is wholly appropriate, says **Kirk Nahra**, a partner in the D.C. office of **Wiley Rein & Fielding**. For example, if a child comes into the emergency room with a broken arm and the nurse knows he has asthma, that information will not add to the patient's treatment and should remain private. Yet, if someone is admitted for chest pains, the nurse's knowledge of his asthma is pertinent information and is critical for his treatment.

In all cases, health care professionals must apply professional judgment, advises consultant **Margret Amatayakul** of Schaumburg, IL. "If a person comes into an emergency department thinking nobody knows them and is looking for drugs," she says, the nurse would be justified in alerting the staff.

Patients do have the right to request that their information never be used without permission, but facilities should ask for that request in writing and advise their patients that there is no guarantee the request will be honored. "Providers are obligated to provide any information needed for treatment," Amatayakul clarifies.

The Bottom Line: Evaluate the circumstances and use your best judgment before disclosing patient information. In general, however, no information can be provided unless it is for treatment purposes.