

Health Information Compliance Alert

Reader Questions: Voice Recordings Pose Challenges

Question: I'm a physician in a small practice. What does the HIPAA rule have to say about oral information? Am I required to make and/or provide my patients with access to oral information about their care?

Nebraska Subscriber

Answer: Yes and no. The Privacy Rule only requires that individuals have access to PHI from their "designated record sets," which, includes only information that has been recorded in some form ...quot; and covered entities are not required to make digital or tape recordings of oral communications, according to the HHS Web site. That said, if covered entities do maintain records of oral communication and use such records to make decisions about patient care, such records might fall under the definition of "designated record set."

Thus, if a patient's call is recorded for quality-control purposes only, that recording would not be considered part of the patient's designated record set and the patient would therefore not have the right to access the recording.

If you do rely on audio recordings in your patient care, the HHS also reminds that covered entities are not required to keep these recordings after they have been transcribed.