

Health Information Compliance Alert

Reader Questions: Will You Violate HIPAA If You Report Illegal Immigrants?

Question: If our medical office reports someone who is an illegal immigrant, is this a violation of HIPAA?

Answer: The answer depends on the specific facts of the situation, but **Northeast Women's Healthcare Clinic** in Atascocita, Texas is facing the same situation.

In that case, an existing patient went to the clinic for a routine annual gynecological appointment and offered a fake driver's license during check-in, related **Mary Beth Gettins of Gettins' Law** in a Sept. 18 blog posting. Staff retained the woman in the exam room while they called law enforcement officials, and then law enforcement arrested the woman.

Law enforcement officials are now holding the woman for deportation. "The patient's attorney is yelling foul saying that healthcare providers violated HIPAA and caused a 'chilling effect' on people seeking medical care," Gettins said. Some say that healthcare providers may only provide patient information to law enforcement pursuant to a court-ordered warrant, subpoena, or summons.

But this is incorrect. "When checking in, the patient gave a fake driver's license and that is a crime which occurred on [the clinic's] premises," Gettins noted. Under HIPAA, healthcare providers may report crimes that occur at their premises to law enforcement.