

Health Information Compliance Alert

THE THIRD DEGREE: READER QUESTIONS ANSWERED

SHOW OFF YOUR NEW NOTICE

Question: We recently revised our notice of privacy practices (NPP) to reflect that we will only accept confidential communication requests in writing. Does HIPAA require that we post the revised notice in all patient reception areas or would posting it in the main reception area be enough?

- Alabama subscriber

Answer: "You need to post your notice in the place where you expect patients to see it," affirms **John Gilliland**, an attorney with Gilliland & Caudill in Indianapolis, IN. But that area isn't the same for each entity, he notes.

If you are in the physician office setting, go ahead and post the notice in the reception area. However, "that's probably not enough for a hospital with several patient waiting areas," because many patients may never come back to the main reception area, Gilliland says. In those cases, you should post the notice in each waiting area.

The Bottom Line: The intent behind this standard is to make sure your patients are informed of any changes in your privacy practices, Gilliland asserts. You must put the revised notice in an area where your patients are bound to run into it - and don't forget to swap your new notice with the old one on your Web site, he says.

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.