

Health Information Compliance Alert

You Be The Privacy Officer: Are Your Patients Shopping Around?

Question:

One of our physicians is concerned that her patient may be "doctor shopping" for prescriptions. Can she report her concerns about this patient to other physicians in the area who may be in contact with this patient?

Answer:

No, "the only disclosures the physician can make to other physicians are for treatment, payment or healthcare operations," explains **Kathrin Kudner**, an attorney at **Dykema Gossett** in Detroit, MI.

"There isn't anything under HIPAA that permits releasing that information to other physicians," concurs attorney **John Gilliland** of Indianapolis, IN's **Gilliland & Caudill**. However, depending on the severity of the case and the physician's concern for her patient, there are other avenues, experts advise.

"Look to the exception for reports to law enforcement" rather than calling other doctors, suggests **Linda Malek**, a partner at **Moses Singer** in New York, NY.

The Bottom Line: As always, consult your state guidelines before taking action, counsels attorney **Matthew Lapointe** of **Sheehan Phinney Bass & Green** in Manchester, NH. "If the doctor shares with another provider who is dealing with the patient, then that's okay -- that's TPO," he says.

"The big out here is if there is a state law requirement to report," Gilliland adds. However, unless the report is made to law enforcement or through a state requirement, "sharing that information would violate HIPAA, and there is no exception for it," Lapointe asserts.