Disclosing PHI to Relatives, Friends, or Others Involved in a Patient’s Care

Patients typically involve their relatives and friends in their medical care or payment for that care. For example, a pregnant patient may bring her husband into the treatment room when visiting her obstetrician. A friend may bring a patient to a hospital’s emergency room for treatment. Or a father may call his health insurance carrier about his child’s hospital bill.

Patients also sometimes involve someone in their care or payment for that care who’s not a relative or friend. For instance, a coworker may bring an injured patient to a hospital’s emergency room and then drive the patient home after he has been treated.

The HIPAA privacy regulations generally let health care providers disclose patients’ protected health information (PHI) to relatives, friends, or others involved in the patient’s care or payment for that care. But they limit the PHI that may be disclosed to that which is directly relevant to the other person’s involvement in that care or payment for it.

The regulations also create important rights for patients. They give patients the right to object to, restrict, or prohibit the disclosure of some or all of their PHI to their relatives, friends, or others. For example, a patient may choose to not have you discuss her treatment options in front of her spouse.

To help you understand what PHI you may disclose to patients’ relatives, friends, and others, and when and how to give patients an opportunity to object to, restrict, or prohibit the disclosure of their PHI to relatives, friends, or others, we give you 11 rules to follow. There’s also a Trainer’s Quiz to help you test your understanding.

11 RULES FOR DISCLOSING PHI TO RELATIVES, FRIENDS, OR OTHERS INVOLVED IN A PATIENT’S CARE

**Rule #1: You May Disclose to a Relative, Friend, or Other Person, PHI Directly Relevant to the Person’s Involvement with the Patient’s Care or Payment for that Care, Subject to Rules #3 and #4**

Except for psychotherapy notes, you don’t need the patient’s written authorization to make these PHI disclosures. These disclosures may include, among other things, information about the patient’s current health status or treatment.

*Example:* A physician may disclose to a patient’s wife PHI about the patient’s current health status and treatment.
You also may make such disclosures to a relative, friend, or other person involved in the patient’s care to get paid for treating the patient.

**Example:** A hospital may discuss a patient’s payment options with her adult daughter, according to frequently asked questions (FAQs) issued by HHS’s Office for Civil Rights (OCR).

**Example:** A physician may call a patient’s spouse about payment of a bill.

The HIPAA privacy regulations set conditions on these PHI disclosures depending on whether the patient is present, whether there’s an emergency situation, and whether the patient is capable of making health decisions. These conditions are discussed in Rules #3 and #4 below.

How do you know who’s involved in a patient’s health care? The HIPAA privacy regulations say you should use your professional judgment and consider the patient’s best interest in making this determination. The preamble to the HIPAA privacy regulations lists these examples of individuals who may be involved in a patient’s health care:

- Blood relatives;
- Spouses;
- Roommates;
- Boyfriends and girlfriends;
- Domestic partners;
- Neighbors; and
- Colleagues.

**Example:** Patient A injures his hand at work. Patient A’s coworker drives Patient A to the emergency room at XYZ Hospital and waits for him there. Patient A is treated and released, and the coworker drives him home. XYZ Hospital may determine that the coworker is involved in Patient A’s current care in deciding to disclose the patient’s current condition to the coworker.

**Rule #2: You May Disclose a Patient’s PHI to a Relative, Personal Representative, or Another Person Responsible for the Patient’s Care to Notify that Person of the Patient’s Location, General Condition, or Death, Subject to Rules #3 and #4**

There are times when you’ll need to notify a patient’s relative, friend, or another person responsible for the care of the patient that the patient is at your facility or that the patient has died. If so, the HIPAA privacy regulations let you disclose to that person the patient’s location, general condition, or death. See Rule #1, above, for examples of persons who may be considered to be involved in a patient's care.

**Example:** Patient A is injured in a car accident and is treated at XYZ hospital for a fractured foot. The hospital may notify Patient A’s wife that he’s at the hospital and has injured his foot.

The HIPAA privacy regulations set conditions on these PHI disclosures depending on whether the patient is present, whether there’s an emergency, and whether the patient is capable of making health decisions on his own. These conditions are discussed in Rules #3 and #4, below.

**Rule #3: If the Patient Is Present for the Disclosure and Has the Capacity to Make Health Care Decisions, One of Three Conditions Must Be Met Before You Disclose PHI**

Although in general you may disclose PHI to a relative, friend, or other person involved in the patient’s care or payment for it, the HIPAA privacy regu-
The HIPAA privacy regulations allow you to disclose a patient’s PHI to relatives, friends, or other persons involved in the patient’s care or payment for that care, without getting the patient’s agreement to do so or telling the patient about her rights to object to that disclosure, if the patient: (1) isn’t present; (2) is incapacitated; or (3) needs emergency treatment. In these cases, the regulations let your organization disclose the patient’s PHI, but only if, in your best professional judgment, doing so is in the patient’s best interest. OCR gives the following examples in its FAQs:

- A surgeon may tell a patient’s spouse, who accompanied her husband to the emergency room, that the patient’s roommate broke his leg falling down the stairs, has had surgery, and is in recovery.

Which condition you take steps to meet will depend on the particular situation and your organization’s policies and procedures. According to Buegel, her organization will infer that a patient doesn’t object to a disclosure if the patient doesn’t raise the subject and doesn’t specifically object to a disclosure being made in front of relatives, friends, or a person involved in her care. For example, suppose a physician finds the patient in her hospital room with many relatives visiting, and the physician says he wants to discuss treatment options. If the patient doesn’t ask the physician to come back later or doesn’t ask the relatives to leave, the physician may infer that the patient doesn’t object to the disclosure.

**Trainer Says:** Use your professional judgment to determine the scope of a person’s involvement in a patient’s care or payment for it and the time period for which the patient is agreeing to the other person’s involvement. According to the preamble to the HIPAA privacy regulations, a health care organization can’t assume that a patient’s agreement at one point in time to disclose PHI to a relative, friend, or other involved person implies agreement to disclose PHI indefinitely for the future. For example, if a friend simply picks up a patient from the hospital but has played no other role in the patient’s care, the hospital shouldn’t call the friend a month later to disclose the patient’s lab test results. But if a patient routinely brings a spouse into a physician’s office when treatment is discussed, the physician can infer that the spouse is playing a long-term role in the patient’s care and that he may disclose PHI to the spouse consistent with that role (say, discussion of treatment options).

**Rule #4: In Emergency Circumstances or When the Patient Is Incapacitated or Not Present, You May Make PHI Disclosure if You Decide Disclosure Is in the Patient’s Best Interest**

- A nurse may notify a patient’s friend that his roommate broke his leg falling down the stairs, has had surgery, and is in recovery.

Which condition you take steps to meet will depend on the particular situation and your organization’s policies and procedures. According to Buegel, her organization will infer that a patient doesn’t object to a disclosure if the patient doesn’t raise the subject and doesn’t specifically object to a disclosure being made in front of relatives, friends, or a person involved in her care. For example, suppose a physician finds the patient in her hospital room with many relatives visiting, and the physician says he wants to discuss treatment options. If the patient doesn’t ask the physician to come back later or doesn’t ask the relatives to leave, the physician may infer that the patient doesn’t object to the disclosure.

**Trainer Says:** Use your professional judgment to determine the scope of a person’s involvement in a patient’s care or payment for it and the time period for which the patient is agreeing to the other person’s involvement. According to the preamble to the HIPAA privacy regulations, a health care organization can’t assume that a patient’s agreement at one point in time to disclose PHI to a relative, friend, or other involved person implies agreement to disclose PHI indefinitely for the future. For example, if a friend simply picks up a patient from the hospital but has played no other role in the patient’s care, the hospital shouldn’t call the friend a month later to disclose the patient’s lab test results. But if a patient routinely brings a spouse into a physician’s office when treatment is discussed, the physician can infer that the spouse is playing a long-term role in the patient’s care and that he may disclose PHI to the spouse consistent with that role (say, discussion of treatment options).

**Rule #4: In Emergency Circumstances or When the Patient Is Incapacitated or Not Present, You May Make PHI Disclosure if You Decide Disclosure Is in the Patient’s Best Interest**

The HIPAA privacy regulations allow you to disclose a patient’s PHI to relatives, friends, or other persons involved in the patient’s care or payment for that care, without getting the patient’s agreement to do so or telling the patient about her rights to object to that disclosure, if the patient: (1) isn’t present; (2) is incapacitated; or (3) needs emergency treatment. In these cases, the regulations let your organization disclose the patient’s PHI, but only if, in your best professional judgment, doing so is in the patient’s best interest. OCR gives the following examples in its FAQs:

- A surgeon may tell a patient’s spouse, who accompanied her husband to the emergency room, that the
patient has suffered a heart attack. The surgeon may also provide periodic updates on the patient’s progress and prognosis; and

- A physician may discuss an incapacitated patient’s condition with a family member over the phone.

Similarly, a hospital may notify a patient’s family or other involved person that the patient has died if no family members or other involved person was present at the time of death.

According to OCR’s FAQs, a health care organization may also use its professional judgment and experience with common practice to make reasonable inferences about the patient’s best interest in allowing another person to act on behalf of the patient when the patient isn’t present (say, when another person picks up a filled prescription, medical supplies, X-rays, or other similar forms of PHI).

Example: A person comes to a pharmacy to pick up a prescription on behalf of a patient he identifies by name. The pharmacist allows the person to do so. The patient isn’t required to give the pharmacist the name of such a person in advance.

What if you suspect that an incapacitated patient is a victim of domestic violence or abuse? Again, you must use your professional judgment as to the patient’s best interest, according to the comments to the HIPAA privacy regulations. For example, if you believe that a person asking for information about an incapacitated patient may have abused that patient, you don’t have to disclose PHI to the suspected abuser if there’s reason to believe that the disclosure could cause the patient harm.

**Rule #5: If the Patient Objects to a Disclosure, You May Not Disclose Her PHI to a Relative, Friend, or Other Person Involved in Her Care or Payment for It**

If a patient objects (either orally or in writing) to disclosure of his PHI to a relative, friend, or other person involved in the patient’s care or payment for it, you may not disclose it to such a person.

Example: Patient A is admitted to XYZ Hospital. When Dr. X arrives, he finds Patient A’s elderly mother at his bedside. Dr. X tells Patient A that he has some of the patient’s test results to discuss. Patient A objects to discussing his results in front of his mother and asks her to leave the room. Later, Patient A’s mother passes Dr. X in the hallway and asks him for an update of her son’s condition. Dr. X can’t disclose Patient A’s PHI (here, his test results) to his mother.

Similarly, a patient may object to your organization’s notifying a relative, friend, or other person about his location, general condition, or death.

**Rule #6: If Your Organization Has Previously Agreed to a Patient’s Request to Restrict Disclosure of His PHI to a Relative, Friend, or Other Person, You May Not Disclose His PHI to that Relative, Friend, or Other Person**

What if the patient has previously asked your organization to restrict disclosure of her PHI to a relative, friend, or other person involved in her care or payment for that care? Once your organization has agreed to a restriction, it’s generally bound by that restriction for all future disclosures of the patient’s PHI until the agreement is terminated by either your organization or the patient.

If your organization has agreed to the patient’s restriction request, if generally can’t use or disclose a patient’s PHI in violation of that agreement (see “Handling Patients’ Requests for Restrictions on the Uses and Disclosures of Their PHI,” Trainer, Dec. 2002). For example, the preamble to the HIPAA privacy regulations says that if a patient asks a health care organization never to disclose PHI to a particular family member, and the organization agrees to that restriction, the organization is prohibited from disclosing PHI to that family member. This right to request a restriction also applies to disclosures for notification purposes (see Rule #2).

**Rule #7: HIPAA Regulations Don’t Require You to Verify the Identity of a Relative, Friend, or Other Person Involved in the Patient’s Care or Payment for that Care Before Disclosing the Patient’s PHI to that Person**

You don’t have to verify the identity of relatives, friends, or other persons involved in the patient’s care or payment for that care. Instead, the HIPAA privacy regulations let a patient’s act of involving another person in her care suffice as verification of that person’s identity, says health care attorney Jana Aagaard. According to OCR’s FAQs, for example, an individual’s asking to pick up a specific prescription for a patient effectively verifies that the individual is involved in the patient’s care.

Even though the HIPAA regulations don’t require you to verify the individual’s identity, your organization may, says Aagaard. For example, many health care organizations won’t give out information to callers unless they’re members of the patient’s immediate family. So you may be required to ask the caller “What is
your relationship with the patient?” before giving out any information about the patient. (For specific information about disclosing a patient’s PHI from a patient directory, see “Using and Disclosing Patients’ PHI in Patient Directories,” Trainer, June 2003.)

**Rule #8: Make Reasonable Efforts to Limit Patient’s PHI Disclosure to the ‘Minimum Necessary’ for Disclosure’s Purpose**

Once you determine that it’s okay to disclose a patient’s PHI to relatives, friends, or others involved in the patient’s care or payment for it (see Rules #1 through #6), the HIPAA regulations require you to make reasonable efforts to limit your disclosure of the patient’s PHI to the “minimum necessary” to accomplish the intended purpose of the disclosure.

*Example:* A friend or relative is simply driving a patient home from the hospital. A health care provider shouldn’t disclose extensive details about the patient’s surgery or past medical history when the friend or relative has no need for this information.

*Example:* Patient A’s wife calls XYZ Medical Center about a bill for Patient A’s treatment on Jan. 1, 2004. The medical center must limit its disclosure of Patient A’s PHI to the costs incurred in the treatment provided to Patient A on Jan. 1, 2004. It shouldn’t discuss the patient’s past medical history when the wife has no need for this information.

Your organization should have policies and procedures in place that instruct you on how to limit the PHI disclosed to a relative, friend, and other individual involved in the patient’s care or payment for it. This should be the PHI that’s reasonably necessary for the friend or relative to continue to provide that care to the patient, says health care attorney Marc Goldstone.

**Rule #9: You Need the Patient’s Specific, Written Authorization to Disclose Psychotherapy Notes to a Relative, Friend, or Other Person Involved in the Patient’s Care**

You must get the patient’s specific, written authorization to disclose psychotherapy notes to relatives, friends, or others involved in the patient’s care or payment for that care. The HIPAA privacy regulations limit the definition of “psychotherapy notes” to notes recorded (either orally, electronically, or by hand) by a mental health profes-

---

**AT A GLANCE**

**11 Rules for Disclosing PHI to Relatives, Friends, or Others Involved in a Patient’s Care**

1. You May Disclose to a Relative, Friend, or Other Person, PHI Directly Relevant to the Person’s Involvement with the Patient’s Care or Payment for that Care, Subject to Rules #3 and #4
2. You May Disclose a Patient’s PHI to a Relative, Personal Representative, or Another Person Responsible for the Patient’s Care to Notify that Person of the Patient’s Location, General Condition, or Death, Subject to Rules #3 and #4
3. If the Patient Is Present for the Disclosure and Has the Capacity to Make Health Care Decisions, One of Three Conditions Must Be Met Before You Disclose PHI
4. In Emergency Circumstances or When the Patient Is Incapacitated or Not Present, You May Make PHI Disclosure if You Decide Disclosure Is in the Patient’s Best Interest
5. If the Patient Objects to a Disclosure, You May Not Disclose Her PHI to a Relative, Friend, or Other Person Involved in Her Care or Payment for It
6. If Your Organization Has Previously Agreed to a Patient’s Request to Restrict Disclosure of His PHI to a Relative, Friend, or Other Person, You May Not Disclose His PHI to that Relative, Friend, or Other Person
7. HIPAA Regulations Don’t Require You to Verify the Identity of a Relative, Friend, or Other Person Involved in the Patient’s Care or Payment for that Care Before Disclosing the Patient’s PHI to that Person
8. Make Reasonable Efforts to Limit a Patient’s PHI Disclosure to the ‘Minimum Necessary’ for Disclosure’s Purpose
9. You Need the Patient’s Specific, Written Authorization to Disclose Psychotherapy Notes to a Relative, Friend, or Other Person Involved in the Patient’s Care
10. Follow Your State Law if It Requires Your Organization to Get the Patient’s Consent or Authorization Before Disclosing PHI to a Relative, Friend, or Other Person, Even if the HIPAA Privacy Regulations Don’t Require It
11. You Don’t Have to Account for Disclosures Made to a Friend, Relative, or Other Person Involved in the Patient’s Care or Payment for that Care
sional documenting or analyzing the contents of conversation during a private, group, joint, or family counseling session, and kept separate from the rest of the patient’s medical record. Psychotherapy notes aren’t generally part of the documentation a health care organization needs to carry out treatment, payment, or health care operations.

**Rule #10: Follow Your State Law if It Requires Your Organization to Get the Patient’s Consent or Authorization Before Disclosing PHI to a Relative, Friend, or Other Person, Even if HIPAA Privacy Regulations Don’t Require It**

Even though the HIPAA privacy regulations don’t require your organization to get the patient’s consent or authorization to allow it to disclose her PHI to a relative, friend, or other person involved in her care or payment for that care, your state law may require such a consent or authorization. For example, Texas generally requires a patient’s written consent before PHI can be disclosed to a person involved in her care or payment for it, says health care attorney Deborah Hiser. If your state also requires such a consent or authorization, your organization must get it before it can disclose the patient’s PHI to a person involved in the patient’s care or payment for that care.

*Example:* Patient A brings his wife with him when he visits Dr. X. State law requires health care providers to get a patient’s authorization before disclosing his PHI to anyone other than the patient. Dr. X must get Patient A’s authorization before disclosing Patient A’s PHI to his wife.

**Rule #11: You Don’t Have to Account for Disclosures Made to a Friend, Relative, or Other Person Involved in the Patient’s Care or Payment for that Care**

If a patient asks for an accounting of your organization’s disclosures of the patient’s PHI, you don’t have to account for those made to a friend, relative, or other person involved in the patient’s care or payment for that care.

*Example:* Patient A faints at work. Patient A’s coworker drives Patient A to the emergency room at XYZ Hospital. Patient A is diagnosed with influenza. Before Patient A leaves the hospital, the coworker, who’s driving the patient home, is told by the discharge nurse that Patient A must get plenty of rest, drink fluids, and take pain relievers as needed. XYZ Hospital doesn’t have to account to Patient A for that disclosure.

Similarly, you don’t have to account for disclosures of a patient’s PHI made to notify or assist in the notification of a relative, friend, or other person involved in the patient’s care as to the patient’s location, general condition, or death.

*Example:* Patient A is admitted to XYZ Hospital. The hospital notifies Patient A’s wife that her husband had a heart attack and that he’s in the hospital’s cardiac care unit. According to the preamble to the HIPAA privacy regulations, if XYZ Hospital is asked for an accounting of disclosures, it doesn’t have to account for its disclosures to Patient A’s wife about Patient A’s condition and location.

**TRAINER SOURCES**

Jana Aagaard, Esq.: Law Office of Jana H. Aagaard, Carmichael, CA; jaagaard@chw.edu.
Becky Buegel: Privacy Officer, Casa Grande Regional Medical Ctr., 1800 E. Florence Blvd., Casa Grande, AZ, 85222.
Marc Goldstone, Esq.: Hoagland, Longo, Moran, Dunst & Doukas, LLP, 40 Paterson St., PO Box 480, New Brunswick, NJ 08903; Marc_Goldstone@hoaglandlongo.com.
Deborah C. Hiser, Esq.: Brown McCarroll, PC, 98 San Jacinto Blvd., Ste. 1300, Austin, TX 78701; 512-476-4716.
We’ve given you an overview of how a health care organization may disclose PHI to patients’ relatives, friends, and others involved in the patient’s care or payment for that care, and when and how to give patients an opportunity to restrict or prohibit the disclosure of their PHI to them. Now let’s see if you can apply these 11 rules to real-life situations that health care organizations like yours are likely to encounter. The TRAINER’s Quiz, below, will give you an opportunity to test your knowledge. Take it, and see how well you do.

INSTRUCTIONS: Analyze the questions below according to the 11 rules for disclosing PHI to relatives, friends, and others involved in the patient’s care. Circle the answer you think is right. The correct answers (with explanations) appear after the quiz. Good luck!

TRAINER’S QUIZ

QUESTION #1
Patient A, a well-known actor, is admitted to XYZ Hospital. A journalist, who has never met the actor, goes to the hospital and asks about Patient A’s health status. State law doesn’t require a written authorization to disclose PHI to a patient’s relatives, friends, or others involved in the patient’s care. True or false: XYZ Hospital may disclose the patient’s PHI to the journalist.

a. True. b. False.

Correct answer: b
Reason: Rule #1 applies here.
Rule #1: You May Disclose to a Relative, Friend, or Other Person, PHI Directly Relevant to the Person’s Involvement with the Patient’s Care or Payment for that Care, Subject to Rules #3 and #4

Wrong answer explained:
a. As explained above, the journalist doesn’t fit within the definition of a relative, friend, or other person involved in

QUESTION #2
Patient A’s wife goes to XYZ Pharmacy to pick up Patient A’s prescription. True or false: The HIPAA privacy regulations require XYZ Pharmacy to verify the identity of Patient A’s wife before handing over the prescription.

a. True. b. False.

Correct answer: b
Reason: Rule #3 applies here.
Rule #3: You May Not Disclose PHI to a Relative, Friend, or Other Person, Unless you First Obtain from the Patient a Written Authorization to Disclose PHI to that Relative, Friend, or Other Person.

Wrong answer explained:
a. As explained above, the pharmacist cannot disclose unrelated PHI about medications Patient A has taken in the past.

QUESTION #3
Patient A brings his domestic partner to a medical appointment with Dr X. The patient asks Dr. X if he can bring his partner into the treatment room. State law doesn’t require a written authorization to disclose PHI to a patient’s relatives, friends, or others involved in their care. True or false: Dr. X may reasonably infer that it’s okay to discuss the patient’s treatment with the patient in the presence of the patient’s domestic partner.

a. True. b. False.

Correct answer: a
Reason: Rule #4 applies here.
Rule #4: You May Reasonably Infer that a Relative, Friend, or Other Person Involved in the Patient’s Health Care Has the Patient’s Authorization to Access the Patient’s PHI.

Wrong answer explained:
b. The domestic partner is not a relative, friend, or person involved in the patient’s health care.

QUESTION #4
Patient A’s boyfriend goes to XYZ Pharmacy to pick up Patient A’s prescription. The pharmacist discloses to the boyfriend unrelated PHI about medications Patient A has taken in the past. Did the pharmacist do anything wrong?

a. Yes. b. No.

Correct answer: a
Reason: Rule #5 applies here.
Rule #5: You May Reasonably Inference It’s Okay to Discuss PHI in the Presence of a Relative, Friend, or Other Person, if (1) the Relative, Friend, or Other Person Has Authorizations or Other Permissions to Access the PHI, and (2) You Reasonably Infer That the Relative, Friend, or Other Person Has Been Authorized to Access the PHI.

Wrong answer explained:
b. The pharmacist cannot reasonably infer that the boyfriend has been authorized to access the PHI.

QUESTION #5
Patient A is involved in a car accident and is taken by ambulance to XYZ Hospital. The patient is admitted to the hospital’s intensive care unit. The hospital notifies Patient A’s adult daughter that her father was in a car accident and that he’s in the hospital’s intensive care unit. Did the hospital do anything wrong?

a. Yes. b. No.

Correct answer: b
Reason: Rule #6 applies here.
Rule #6: You May Disclose PHI to a Patient’s Relative, Friend, or Other Person, in Response to an Emergency Situation Involving the Patient.

Wrong answer explained:
a. The daughter is a relative, friend, or other person involved in the patient’s health care.

TRAINER’S ANSWERS & EXPLANATIONS

QUESTION #1
Correct answer: b
Reason: Rule #1 applies here.
Rule #1: You May Disclose to a Relative, Friend, or Other Person, PHI Directly Relevant to the Person’s Involvement with the Patient’s Care or Payment for that Care, Subject to Rules #3 and #4

The HIPAA privacy regulations let a health care organization disclose PHI to a patient’s relatives, friends, or others involved in the patient’s health care. Here, the journalist wasn’t a relative or friend or otherwise involved in Patient A’s care. So XYZ Hospital can’t disclose the patient’s PHI to the journalist.

Wrong answer explained:
a. As explained above, the journalist doesn’t fit within the definition of a relative, friend, or other person involved in
the patient’s care. So the hospital can’t disclose the patient’s PHI to the journalist without getting the patient’s authorization to do so.

QUESTION #2
Correct answer: b
Reason: Rule #7 applies.

Rule #7: HIPAA Regulations Don’t Require You to Verify the Identity of a Relative, Friend, or Other Person Involved in the Patient’s Care or Payment for that Care Before Disclosing the Patient’s PHI to that Person

Patient A’s wife’s arriving at XYZ Pharmacy to pick up a specific prescription for Patient A verifies that she’s involved in the patient’s care. So the HIPAA privacy regulations let the pharmacy give the filled prescription to Patient A’s wife.

Wrong answer explained:
a. As stated above, the HIPAA privacy regulations don’t require XYZ Pharmacy to verify the identity of Patient A’s wife before handing over the patient’s prescription.

QUESTION #3
Correct answer: a
Reason: Rules #1 and #3 apply.

Rule #1: You May Disclose to a Relative, Friend, or Other Person, PHI Directly Relevant to the Person’s Involvement with the Patient’s Care or Payment for that Care, Subject to Rules #3 and #4

Rule #3: If the Patient Is Present for the Disclosure and Has the Capacity to Make Health Care Decisions, One of Three Conditions Must Be Met Before You Disclose PHI

The HIPAA privacy regulations let a health care provider (like Dr. X, here) use professional judgment to reasonably infer from the circumstances that the patient doesn’t object to a disclosure. Because Patient A asked Dr. X if he could bring his partner into the treatment room, Dr. X could reasonably infer that the patient didn’t object to the disclosure of his PHI to his domestic partner.

Wrong answer explained:
b. Under the circumstances, it would be reasonable for Dr. X to infer that it was okay to discuss Patient A’s treatment with Patient A in the presence of his partner.

QUESTION #4
Correct answer: a
Reason: Rule #8 applies.

Rule #8: Make Reasonable Efforts to Limit a Patient’s PHI Disclosure to the ‘Minimum Necessary’ for Disclosure’s Purpose

The HIPAA privacy regulations require a health care organization (like XYZ Pharmacy, here) to limit the PHI disclosed to a relative, friend, or other individual involved in the patient’s care (like Patient A’s boyfriend, here) to the minimum necessary to accomplish the purpose of the disclosure. So the pharmacist shouldn’t have disclosed to the boyfriend unrelated PHI about medications Patient A has taken in the past.

Wrong answer explained:
b. As stated above, the pharmacist’s disclosure of medications Patient A has taken in the past was more than the minimum necessary for the boyfriend to continue to provide care to the patient.

QUESTION #5
Correct answer: b
Reason: Rules #2 and #4 apply.

Rule #2: You May Disclose a Patient’s PHI to a Relative, Personal Representative, or Another Person Responsible for the Patient’s Care, to Notify that Person of the Patient’s Location, General Condition, or Death, Subject to Rules #3 and #4

Rule #4: In Emergency Circumstances or When the Patient Is Incapacitated or Not Present, You May Make the PHI Disclosure if You Decide Disclosure Is in the Patient’s Best Interest

A health care organization may use its professional judgment to determine that it’s in a patient’s best interest to notify a patient’s relative or friend that the patient is at its facility. So it was okay for the hospital to call Patient A’s daughter to let her know that Patient A was in the hospital’s intensive care unit.

Wrong answer explained:
a. It was okay for XYZ Hospital to tell Patient A’s daughter that Patient A was in the hospital’s intensive care unit.