

Each month, we focus on a HIPAA question and provide an in-depth answer. The purpose of the newsletter is to keep these topics at the front of everyone's minds, to ensure a trained, knowledgeable sales force.

Authorization Limits

The question of the month:

What should we do if a request asks for "any and all" PHI, but the authorization signed by the patient limits the information that should be provided?

The answer:

Remember that "the patient is in control."



When it comes to HIPAA, the patient decides WHAT information can be disclosed, FROM WHOM it can be sent, as well as TO WHOM the information can be sent.

It doesn't matter what the request asks for if the patient authorizes something different. The authorization always "rules" over the request. Remember, too, that HIPAA requires that only the "minimum necessary" PHI be disclosed (although there are exceptions to this rule, virtually every facility we serve still wants it to be applied in every case). Minimum Necessary dictates that only the information that is authorized be disclosed.

ANOTHER (related) question this month:

What if the patient authorizes "any and all information" but the request asks for a specific date of service (for example, "treatment provided on April 4, 2007") when the chart actually reflects a different but closely related date of service (such as April 14, 2007)?

There is nothing in HIPAA on specific mistakes of fact like this. This situation should be handled the same as if any identification information (such as date of birth, SSN, etc.) was erroneously given, yet the given information is close to the actual correct information (such as wrong birth year due to transposing of a digit, or an SSN with one digit's difference).

You should first check with the site. If the site is willing to have the information released anyway, you can have the site staff person add or correct the i.d. information on the request (but SDS employees should never do that), and then they should initial or sign that portion of the request. You could then go ahead and process it.

If the site does not wish the request to be completed as is, you must either (a) return the request to the requester with an explanation that the i.d. information is incorrect or incomplete, or (b) call the requester and explain that you need to verify the particular information that you need. The appropriate way to do this is to ASK for the SSN, or the DOB, or whatever it is you need. You should not GIVE any patient identification information to anyone (including the requester). You can reference the fact that the requester signed the letter, reference the date of the letter, and the patient name. A requester should then be able to provide more complete information.