



## Family Caregivers' Rights to Patient Information: What Health Care Providers Need to Know

Mr. A. is a hospital (nursing home or home care) patient. When Mr. A's son asks you about test results, your initial response may be, "I can't tell you that because of HIPAA." Is this the right answer?

The Health Information Privacy and Accountability Act (HIPAA) is a federal law intended to protect private medical information from unauthorized users, such as employers and marketers. It also requires health care providers to keep this information in a safe and secure place.

Many aspects of the law are complex, and it was introduced with training that emphasized penalties for failing to comply. But one thing is very clear. **Unless the patient objects, the law does not prevent health care providers from sharing a patient's private medical information with family, relatives, friends or others the patient may identify as long as they are involved with his or her health care or responsible for health care bills.**

In fact, good clinical practice requires sharing information with all the people involved in the patient's care. Without a clear understanding of the patient's condition, prognosis, and treatment plan, family caregivers cannot maintain a high quality of care at home or the next care setting. The law does not interfere with appropriate treatment and planning. It also does not define who counts as "family," so that partners and friends may be as involved in a patient's care as any spouse or kin.

HIPAA does not require a written release for you to share information with family caregivers. However, your institution may have gone beyond HIPAA's requirements and established such a policy. If so, you should speak with your privacy officer about the ways in which this policy limits communication and good patient care.

As a practical matter, it makes sense to ask a patient or family to name one or two people to be the main points of contact. This makes it more likely that the right people get the right information. If a problem arises, you should speak with your facility's privacy officer.

For more information about HIPAA:

DHHS Office for Civil Rights: [www.hhs.gov/ocr/hipaa](http://www.hhs.gov/ocr/hipaa)

Health Privacy Project: [www.healthprivacy.org](http://www.healthprivacy.org)