

## HIPAA FACTS and FAMILY RIGHTS

Section 164.510(b)(3) of the HIPAA Privacy Rule.

### ▪ The Clinician decides:

**“HIPAA expressly defers to the professional judgment of health professionals in making determinations about the nature and severity of the threat to health or safety posed by a patient.”**

**If there is THREATENED HARM, IMMINENT <sup>THREAT</sup> OR DANGER to oneself or others, including:**

- The inability to make health care decisions
- Psychosis
- Incompetent to Stand Trial (IST)
- Imminent Homelessness

### ▪ **“Clinicians may disclose necessary protected health information (PHI)**

**to anyone who is in a position to prevent or lessen threatened harm,**  
including family, friends, caregivers, and law enforcement,  
**without a patient’s permission.”**

<https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html>

### ▪ **“Clinicians may listen to or review medical history provided by family**

**or other caregivers ... so the health care provider can factor that information into the patient’s care.”**

Keep a record of the organization, person you gave it to, and the date.

<https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html>

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