

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 THREAT 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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