

FAMILY Rights and HIPAA FACTS

**“Health Care Clinicians
may disclose necessary protected health information
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.”**
Section 164.510(b)(3) of the HIPAA Privacy Rule.

- **Clinicians’ make the decision** about what is threatened harm, serious and imminent threat or danger. **“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.”¹

Check with your State: California Definition of Imminent Danger SB43:
“Gravely disabled:” A person is **unable to provide for their basic personal needs for food, clothing, shelter, safety, or necessary medical care.** ²

- **Anosognosia** - Dr. Xavier Amador advocates that **anosognosia is an *imminent danger*** when a person experiences a **“lack of capacity to make healthcare decisions for themselves”** including the inability to provide food and shelter.³
- **Clinicians can receive information** from family or friends: “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.”⁴ [This is a sample](#) form.

Check with your county. In Marin, CA, the [Family Partnership Policy](#) requires that clinicians accept information and if requested, mark it confidential.

¹ <https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html>

² <https://www.dhcs.ca.gov/provgovpart/Documents/SB-43-FAQs.pdf>

³ <https://voicesinbioethics.podcasts.library.columbia.edu/dr-xavier-amador-shares-his-experiences-addressing-a-nosognosia/>

⁴ <https://mentalillnesspolicy.org/federalmentalillnesslegislation/hr2646/hipaa.html>