

Every Homeless Person Has a Mother

HIPAA HELPING FAMILIES

Know your rights to keep your loved ones living with mental illness safe

TO PREVENT HARM “Providers can share information to prevent harm with someone who is in a position to prevent or lessen harm” without the patient’s permission.

HIPAA Privacy Rule 164.510(B)(3): “If the patient is not present or is incapacitated, a health care provider may share the patient’s information with family, friends, or others as long as the health care provider determines, based on professional judgment, that it is in the best interest of the patient.” “HIPAA does not require that a health care provider document the patient’s agreement or lack of objection.”

<https://www.hhs.gov/sites/default/files/ocr/privacy/hipaa/understanding/coveredentities/providerffg.pdf>

THE IMMINENT DANGER LAW SB43 Is threatening harm to themselves.

Is incapable of making their own health care decisions.

Will be released from a facility without means for food, shelter or safety.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB43

FAMILIES MAY PROVIDE INFORMATION to providers who may listen to it or review. HIPAA

Provisions of HR 2646, Helping Families in Mental Health Crisis Act. There is no prohibition in HIPAA or FERPA against receiving information. Families often have important information the doctors should know about: symptoms experienced, effective medications and what wasn’t, side effects, hospitalizations, trauma issues, other facilities, residential status, etc.

If a provider declares they “can’t confirm or deny” someone is in their care, and they can’t accept information, you can let them know evidence shows family is crucial to recovery.

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

- Leave documents with the provider or facility
- Note the date, time, location and ask for a signature and date on your own copy.
- Families may request confidentiality to not share this information with your relative.

A health care provider would be remiss if they did not review information for their patient.

Providers can accept it in any form or access a form here:

<https://namiyolo.org/wp-content/uploads/sites/262/2021/06/Psychiatric-Medical-History-Form.pdf>

*“The family is integral to the wellness of each family member and
the health of the family
depends on the wellness of its members.”*

— MARIN COUNTY FAMILY PARTNERSHIP POLICY

<https://namimarin.org/about-nami-marin-county/marin-family-partnership-policy/>

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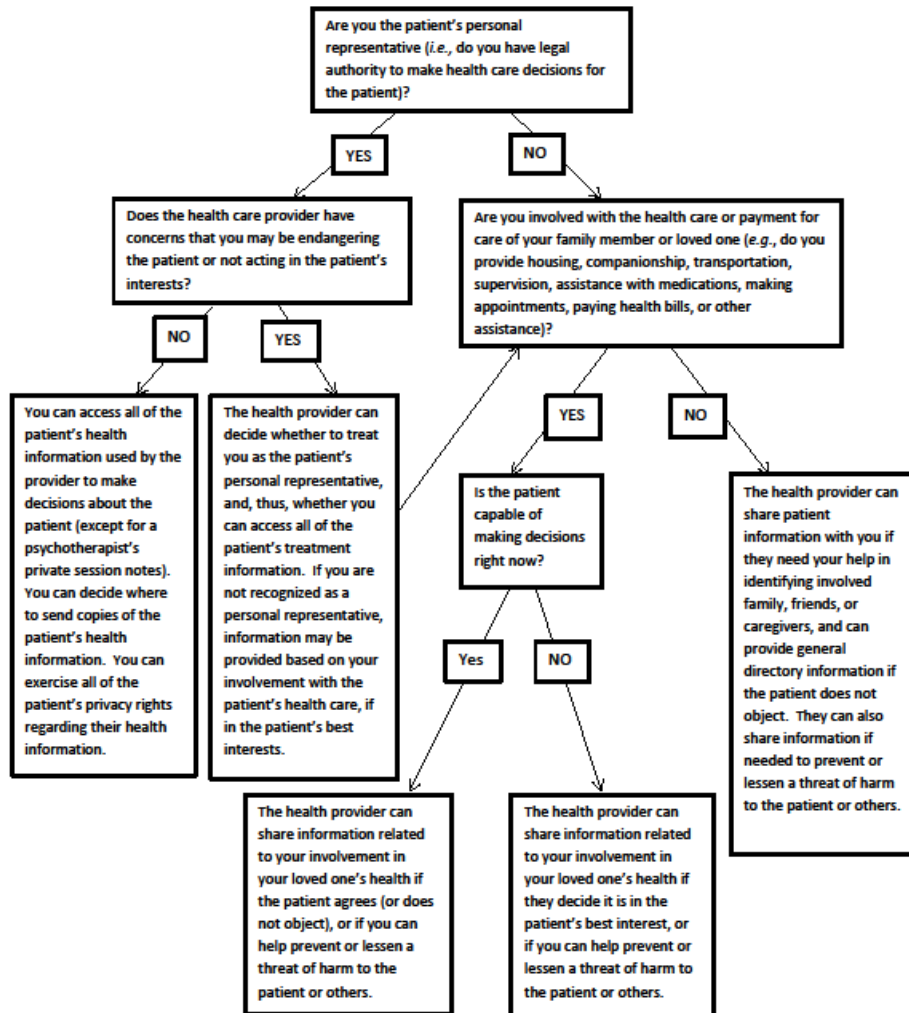
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HIPAA DECISION TREE



When can I obtain treatment information about my loved one?

This decision tree addresses health information about adult patients under HIPAA.



The health provider can share information related to your involvement in your loved one's health if they decide it is in the patient's best interest, and you can help prevent or lessen a threat of harm to the patient or others.