

# HIPAA: What Mothers and Families Need to Know

## 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."**

- **"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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<https://everhomelesspersonhasamother.substack.com/>

HIPAA was written to protect people, not to isolate them.

HIPAA allows and supports family involvement, especially when safety, capacity, or recovery is at stake.

Families cannot violate HIPAA: It applies to entities such as doctors, clinicians, hospitals, clinics, and health plans.

### What HIPAA allows

- Clinicians may always listen to families, with or without patient consent.
- Families may share observations, history, warning signs, and safety concerns at any time.
- Clinicians may use professional judgment when a patient lacks decision-making capacity.
- Clinicians may communicate with family to prevent serious and imminent harm.
- Clinicians may explain diagnoses, symptoms, and warning signs in general terms even without consent.

### What HIPAA does not require clinicians to:

- Refuse to hear from families
- Cut families off when consent forms expire
- Discharge someone without contacting family when contact information is known

California's Confidentiality of Medical Information Act (CMIA) is consistent with and more protective than HIPAA. CMIA allows disclosure when a clinician, in good faith, believes it is necessary to prevent or lessen a serious and imminent threat to health or safety, and made to someone who can help prevent harm, including family members, without patient consent.

**THIS MATTERS because Family involvement reduces relapse and rehospitalization, helps prevent homelessness and lowers burnout for clinicians.**

**"Family intervention reduced relapse and hospital admission rates." Cambridge University Press**

**"When families take an active part in treatment decisions, consumer outcomes are better." NAMI.org**

**Remember: HIPAA allows clinicians to listen, use judgment, and work with families when safety and recovery are at stake.**

**HIPAA FOR CLINICIANS: <https://www.hhs.gov/sites/default/files/hipaa-helps-prevent-harm.pdf>**

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