

# HIPAA and Care Partner Engagement

How to navigate privacy laws to improve outcomes.

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**TAC's resource** provides an overview of HIPAA and how to work around strict non-disclosure policies, often referred to as "HIPAA handcuffs."

## What is HIPAA supposed to do?

- Protect sensitive health information and records.
- Require providers to keep medical information confidential unless sharing with other providers to ensure continuity of care or with caregivers to ensure patient well-being and safety.

## What does HIPAA allow?

- Routine and often critical communications between health care providers and care partners, including family, are not only allowed but encouraged by federal guidance.
- Permitted disclosures related to mental health are described in a question-and-answer handout from hhs.gov.

## What is an ROI?

- A release of information (ROI) allows a provider to share information with people listed on the ROI.

## Does HIPAA always require an ROI?

- No. HIPAA doesn't require an ROI if a patient is incapacitated or does not object and a professional believes that sharing information is in their patient's best interest.

## What about guardians?

- Providers are responsible to share information with any individual who has a specific legal contract making them a "personal representative," such as someone with guardianship, conservatorship, or power of attorney. According to hhs.gov, the HIPAA Privacy Rule states that a "personal representative must be treated as the individual."

## Video resources:



Privacy laws and Caregiver Engagement for Severe Mental Illness



HIPAA and More: Understanding the Laws of Mental Health (Ep. 118)

## What information can a care partner share?

- HIPAA does not restrict a care partner (anyone supporting someone with SMI) from sharing information with providers.
- Maintaining an up-to-date mental health history is an excellent way to advocate for better care.
- If a provider says they cannot speak with you due to HIPAA, you can explain that you aren't asking for confidential medical information; you are offering to share information to help them provide good patient care.
- If you have guardianship or power of attorney, be sure to share that with any providers.