

Mindful Continuing Education

HIPAA and Mental Health Information

Discussion

1. The HIPAA Privacy Rule provides consumers with important privacy rights and protections with respect to their health information, and is carefully balanced to allow uses and disclosures of health content, including mental health information, for treatment and other purposes with appropriate protections.

- A. True
 - B. False
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Questions and Answers about HIPAA and Mental Health-Communication

2. HIPAA allows a health care provider to communicate with a patient's family, friends, or other persons who are involved in the patient's care under each of the following circumstances EXCEPT:

- A. When a patient is present and has the capacity to make health care decisions, health care providers may communicate with a patient's family members, friends, or other persons the patient has involved in his or her health care or payment for care, so long as the patient does not object
 - B. Where a patient is not present or is incapacitated, a health care provider may share the patient's information with family, friends, or others involved in the patient's care or payment for care, as long as the health care provider has an established relationship with such individual
 - C. The provider may ask the patient's permission to share relevant information with family members or others, may tell the patient he or she plans to discuss the information and give them an opportunity to agree or object, or may infer from the circumstances, using professional judgment, that the patient does not object
 - D. Disclosures to family members, friends, or other persons involved in the patient's care or payment for care are to be limited to only the protected health information directly relevant to the person's involvement in the patient's care or payment for care
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Does HIPAA Provide Extra Protections for Mental Health Information?

3. In general, the Privacy Rule treats all aspects of mental health information with more protection than general health information, because of the sensitivity of such material.

- A. True

B. False

When Does Mental Illness or Another Mental Condition Constitute Incapacity Under the Privacy Rule?

4. HIPAA allows a provider, when a patient is not present or is unable to agree or object to a disclosure due to incapacity or emergency circumstances such as unconsciousness, temporary psychosis, or drugs or alcohol toxicity, to determine whether disclosing a patient's information to the patient's family, friends, or other persons involved in the patient's care or payment for care, is in the best interests of the patient.

- A. True
 - B. False
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Can a Minor Child's Doctor Talk to the Child's Parent About the Patient's Mental Health Status and Needs?

5. With respect to general treatment situations, a parent, guardian, or other person acting in loco parentis usually is the personal representative of the minor child; however, a parent is not treated as a minor child's personal representative when:

- A. State or other law does not require the consent of a parent or other person before a minor can obtain a particular health care service, the minor consents to the health care service, and the minor child has not requested the parent be treated as a personal representative
 - B. Someone other than the parent is authorized by law to consent to the provision of a particular health service to a minor and provides such consent
 - C. A parent agrees to a confidential relationship between the minor and a health care provider with respect to the health care service
 - D. All of the above
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Does a Parent Have a Right to Receive a Copy of Psychotherapy Notes About a Child's Mental Health Treatment?

6. Under HIPAA, parents generally are the personal representatives of their child and, as such, are able to receive a copy of their child's mental health information contained in the medical record, as well as a copy of the psychotherapy notes.

- A. True
 - B. False
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Does HIPAA Permit a Doctor to Contact a Patient's Family or Law Enforcement if the Doctor Believes The Patient Might Hurt Herself or Someone Else?

7. When a provider believes a patient presents a serious and imminent threat to self or others, he or she may disclose patient information, including information from mental health records, to law enforcement, family members of the patient, or any other persons who may reasonably be able to prevent or lessen the risk of harm.

- A. True
 - B. False
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If the Doctor Believes There is Potential Harm, Is it The Duty of the Provider to Notify the Family or Law Enforcement Authorities?

8. Which of the following accurately describes when a doctor may notify family that patients may harm themselves or others?

- A. HIPAA permits a covered health care provider to notify a patient's family members of a serious and imminent threat to the health or safety of the patient or others under all circumstances
 - B. HIPAA permits the provider to warn the appropriate person(s) of the threat, consistent with his or her professional ethical obligations and Federal law requirements
 - C. Even where danger is not imminent, HIPAA permits a covered provider to communicate with a patient's family members, or others involved in the patient's care, to be on watch or ensure compliance with medication regimens, as long as the patient has been provided an opportunity to agree or object
 - D. None of the above
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