Mindful Continuing Education

HIPAA Privacy Rule and Sharing Information

Questions and Answers about HIPAA and Mental Health

1. Each of the following is an accurate statement about the HIPAA Privacy Rule and a provider's ability to share information with a patient's family, friends, or other persons who are involved in the patient's care EXCEPT:

A. The provider may ask the patient's permission to share relevant information with family members or others
B. The provider may tell the patient he or she plans to discuss the information and give them an opportunity to agree or object
C. The provider may infer from the circumstances, using professional judgment, that the patient does not object
D. Once permission has been granted, the provider may disclose to family members, friends, or other persons involved in the patient's care the protected health information directly or indirectly relevant to the person's involvement in the care, based on the provider's professional judgment

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2. Generally, the Privacy Rule applies uniformly to all protected health information, without regard to the type of information, although special protections are granted for:

A. Psychotherapy notes
B. Lab test results
C. Electronic information
D. Public health security

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

3. If a patient is unconscious or otherwise incapacitated, a provider is allowed to discuss the patient's condition or treatment with a family member, if the provider believes it would be in the patient's best interest, but when making this determination, the provider should take into account the patient's prior expressed preferences regarding disclosures of their information as well as:

A. The patient's history
B. The status of the relationship with the family member or friend
C. The circumstances of the current situation
D. The overall health and well-being of the patient

Can a Minor Child's Doctor Talk to the Child's Parent About the Patient's Mental Health Status and Needs?

4. Which of the following is NOT one of the Privacy Rule's exceptions to the general rule that health care providers can share minor patient information with a parent, guardian, or other person acting in loco parentis?

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. When a provider determines, using his or her and best judgment, that sharing such information will be harmful to the minor child

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5. The HIPAA Privacy Rule permits a health care provider to disclose information to the family members of an adult patient who has capacity and indicates that he or she does not want the disclosure made, only to the extent that the provider perceives a serious and imminent threat to the health or safety of the patient or others and the family members are in a position to lessen the threat.

A. True
B. False

Does HIPAA Permit a Doctor to Contact a Patient's Family or Law Enforcement if the Doctor Believes That the Patient Might Hurt Herself or Someone Else?

6. When a health care provider believes in good faith that a warning is necessary to prevent or lessen a serious and imminent threat to the health or safety of a patient or others, the Privacy Rule allows the provider to alert those persons whom the provider believes are reasonably able to prevent or lessen the threat, as long as the provider remains consistent with:

A. Applicable law and standards of ethical conduct
B. Best professional practice
C. Specific Privacy Rule provisions
D. Protecting the patient-provider relationship

Does Having a Health Care Power of Attorney (POA) Allow Access to the Patient's Medical and Mental Health Records Under HIPAA?

7. When a patient has a healthcare POA, the individual in that role is allowed access to the patient's medical and mental health records only if and when the patient lacks the capacity to make health care decisions.

A. True
B. False

What Constitutes a "Serious and Imminent" Threat?

8. When making determinations about the nature and severity of the threat to health or safety posed by a patient, HIPAA expressively defers to:

A. Current applicable laws
B. Professional ethics and standards
C. The professional judgment of health providers
D. Specific guidelines and protocols of the care facility

A Health Care Provider's Guide to the HIPAA Privacy Rule

9. Which of the following is an accurate statement about sharing health information with a patient's family, friend, or others involved in care?

A. HIPAA requires that a health care provider document a patient's decision to allow the provider to share his or her health information with a family member, friend, or other person involved in the patient's care or payment for care
B. When a health care provider is allowed to share a patient's health information with a person, information must be shared face-to-face, unless extenuating circumstances do not allow for face-to-face contact
C. HIPAA requires that the health care provider obtain proof of who the person is before speaking with him or her about the patient
D. A health care provider may share a patient's health information with an interpreter to communicate with the patient or with the patient's family, friends, or others involved in the patient's care or payment for care

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10. While the intent of the HIPAA Privacy Rule is to ensure that individuals have rights over their own health information, no matter what form it is in, the HIPAA Security Rule was created to require specific protections to safeguard electronic health information.

A. True
B. False

Your Health Information Privacy Rights

11. Although individuals can ask that their health information not be shared with certain people, groups, or companies, healthcare providers do not always have to agree to do what is ask, particularly if:

A. The request is perceived as being unreasonable
B. The request could affect patient care
C. The information is requested by an employer
D. The information is used for educational purposes

Sharing Health Information: Examples

12. Under the Privacy Rule, doctors may not discuss a patient's drugs with a caregiver who calls with a question about the right dosage, unless the doctor has written permission from the patient to do so.

A. True
B. False

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