

Avoiding "HIPAA" Horror Stories: What Clients Need to Know

Last time we talked about the importance of health care directives for your clients. In this article, we'll focus on the need for the newest type of directive – the HIPAA release.

Call it "the law that works too well." It was meant to protect people from having their medical information shared inappropriately. Now, because of "HIPAA" (the federal Health Insurance Portability and Accountability Act), even family members can have trouble getting needed information about their loved ones from doctors and hospitals.

Imagine hearing that your son or daughter was in an accident at college. You call the hospital for information: What injuries does your child have? Will he or she be okay? Because of HIPAA, the hospital can be reluctant and may even refuse to release this information to you over the phone.

Effective since April 2003, HIPAA states that personal medical information such as doctor's visits, payment, medication, and even admission to a hospital, is private and legally accessible *only* to the patient. Only with a patient's *written consent* can they release this information to outside parties, including family and loved ones. Hospitals and doctors are often overly diligent about enforcing HIPAA requirements because they can face fines, sanctions, and even jail time for any breach of conduct. Sometimes, common sense is abandoned.

Clients should be familiarized with a HIPAA release (or authorization), and know that this newest directive is an important supplement to your client's bank of healthcare directives. With this document, your client designates people who can have access to your client's medical information. Under the HIPAA law, the person your client names as his/her Healthcare Power of Attorney automatically has access to this medical information.

However, your clients probably want additional people in their lives to have this access – other family

members, friends, or other caregivers (such as a geriatric care manager), who may be helping clients navigate the healthcare system.

Also some hospitals misunderstand the law, and may not recognize the right of a client's health care power of attorney to retrieve their personal healthcare records. They may ask for a HIPAA release even though it isn't legally necessary.

HIPAA releases are generally not part of the standard set of advance directive forms provided by states or non-profit groups offering such forms. If you'd like to learn about these and other healthcare directives, please give me a call. Your awareness of today's complex healthcare system and its legal requirements will help you better protect your clients, as well as your own loved ones.



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If you are interested in providing your clients with a copy of Ketra's book 'Your Life, Your Legacy' please call the office for complimentary copies.

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