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To:

Subject: New OCR Guidance on Sharing PHI
Date: Wednesday, January 11, 2017 5:53:27 PM

Good evening, HCC Contacts –

Earlier this week, OCR issued an FAQ (below) regarding disclosures to a loved one who is not married to the patient and who is not otherwise recognized as a relative or spouse of the patient under applicable law. These disclosures generally are permitted under the same circumstances and conditions as disclosures to a legally-recognized spouse or relative. This means, for example, that if the patient identifies a same-sex individual as a spouse, under HIPAA the provider may disclose to the spouse any PHI that is directly relevant to the spouse's involvement in the care of the patient or in the payment for the patient's care.

Please share this FAQ with those in your area who interact with patients and their loved ones on treatment or payment issues.

Q: Does the HIPAA Privacy Rule permit a doctor to discuss a patient's health status, treatment, or payment arrangements with a person who is not married to the patient or is otherwise not recognized as a relative of the patient under applicable law (e.g., state law)?

A: Yes. The HIPAA Privacy Rule at [45 CFR 164.510\(b\)](#) permits covered entities to share with an individual's family member, other relative, close personal friend, or any other **person identified by the individual, the information directly relevant to the involvement of that person in the patient's care or payment for health care**. In addition, HIPAA allows a covered entity to disclose information about a patient as necessary to notify, or assist in the notification of (including by helping to identify or locate), such a person of the patient's location, general condition, or death. In either circumstance, the person can be a patient's family member, relative, guardian, caregiver, friend, spouse, or partner. **The Privacy Rule defers to a covered entity's professional judgment in these cases and does not require the entity to verify that a person is a family member, friend, or otherwise involved in the patient's care or payment for care**. (The full FAQ is available at <https://www.hhs.gov/hipaa/for-professionals/faq/2086/does-hipaa-privacy-rule-permit-doctor-discuss-patient-s-health->

[status.html](#) .)

For more information about HIPAA and Marriage, see <http://www.hhs.gov/hipaa/for-professionals/special-topics/same-sex-marriage/index.html>.”

If you have any questions regarding this FAQ, please contact me.

Thank you.

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