

Police During Incident: Disobey HIPAA or Go to Jail. Viral Video Serves as Wakeup Call to Privacy Officers

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The viral video of a Utah nurse being forcefully put in the back of an unmarked police car after refusing to let an officer draw blood from an unconscious patient without permission launched a nationwide discussion about patient privacy.

While it's a conversation that needs to happen among less savvy healthcare consumers, it's also a good reminder for hospitals and physician practices to brush up on HIPAA's provisions surrounding law enforcement requests. As the *Journal of AHIMA* and other news outlets reported after the incident, which occurred in a Salt Lake City hospital on July 26, HIPAA allows covered entities to release protected health information to law enforcement—if they have a warrant or other court-ordered documentation and complete a Request from Law Enforcement for Release of PHI form.

“HIPAA allows compliance with such a request for PHI for purposes of identifying or locating a suspect, fugitive, material witness or missing person; but the covered entity must limit disclosures of PHI to name and address, date and place of birth, Social Security number, ABO blood type and rh factor, type of injury, date and time of treatment, date and time of death, and a description of distinguishing physical characteristics,” HIPAA states. “Other information related to the individual's DNA, dental records, body fluid or tissue typing, samples, or analysis cannot be disclosed under this provision, but may be disclosed in response to a court order, warrant, or written administrative request (45 CFR 164.512(f)(2)).”

Healthcare privacy and security consultant Harry Rhodes, PhD, MBA, RHIA, CHPS, CDIP, CPHIMS, FAHIMA, says that while he's never faced arrest or warnings from law enforcement during his career, interactions between providers and law enforcement can be tense.

“Healthcare providers never know when they will be confronted with a request from the police involving a patient. As the event is unfolding, emotions are often high, and it is very difficult to research the correct course of action when being pressured to make a quick decision,” Rhodes says. “Familiarity with the actual regulations, and how to quickly locate them on the internet, will prevent a difficult situation from getting out of hand.”

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