



U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES

**OFFICE FOR
CIVIL RIGHTS**

HIPAA Helps Caregiving Connections

HIPAA helps family and friends stay connected with loved ones who have a substance use disorder, including opioid abuse, or a mental or behavioral health condition

If a family member, friend, or person you are caring for, has a mental health condition, substance use disorder (including opioid abuse), or other health problem, it can be difficult to stay connected if their condition worsens and they enter a health care facility for observation or treatment. HIPAA helps by allowing the health and mental health providers who treat your loved one to make decisions about communicating with his or her family and friends based on their professional judgment about what is best for the patient.

- **For Notification Purposes:** HIPAA helps you stay connected with your loved one by permitting health professionals to contact you with information related to your family member, friend, or the person you are caring for, that is necessary and relevant to your involvement with the patient's health care or payment for care. For example, if your loved one becomes disoriented, delirious, or unaware of their surroundings, due, for example, to opioid abuse or a mental health crisis, and arrives at a hospital emergency room for treatment, the doctors, nurses, and social workers may notify you of the patient's location and general condition. First, the staff will determine whether the patient agrees to share this information with you or if you are the patient's personal representative. If the patient is not able to make decisions (for example, due to being unconscious, sedated, severely intoxicated, or disoriented), then the doctors, nurses, and social workers may contact you without the patient's permission when they determine that doing so is in the patient's best interests.
- **To Help the Patient:** HIPAA helps you to assist your loved one by permitting doctors, nurses, and social workers to share protected health information that is related to the care and assistance you are providing to your loved one. For example, if your adult son has been prescribed medication to treat anxiety, and you are helping him by providing supervision or housing, the discharge nurse may inform you what medication he will be taking, if he doesn't object to sharing this information with you--as well as the side effects to watch for, or symptoms that indicate the medication isn't working or isn't being taken properly. If your son is unable to make health decisions independently, the

nurse may decide to share this information with you if the nurse determines, using professional judgment, that it is in your son's best interests.

- **For Personal Representatives:** If you are the health care decision-maker (a legal role under state or other law) for an individual with a mental health condition, substance use disorder, including opioid abuse, or other health problem that affects decision making capacity, such as Alzheimer's disease or dementia, you would be that individual's "personal representative" under HIPAA. As the individual's personal representative, HIPAA provides you with the same right as the patient to get information from doctors, nurses, and social workers who are covered by HIPAA. This includes detailed information about the patient's condition, treatment, and medications, the patient's complete medical record (whether on paper or in an electronic system), care plan, billing information, and any other individually identifiable health information that the hospital or provider uses to make decisions about the patient. This includes mental health information and records, except for a psychotherapist's notes about private therapy sessions. Much of a psychiatric patient's treatment information is part of the medical record, and is accessible to the patient and/or their personal representative. HIPAA helps you get all the information you need from doctors, nurses, and social workers to make decisions on behalf of the patient for whom you are responsible.

See [Guidance on Individuals' Right to Access Health Information](https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/access/index.html), <https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/access/index.html>.