

HMO Revises Process to Obtain Valid Authorizations

Covered Entity: Health Plans / HMOs

Issue: Impermissible Uses and Disclosures; Authorizations

A complaint alleged that an HMO impermissibly disclosed a member's PHI, when it sent her entire medical record to a disability insurance company without her authorization. An OCR investigation indicated that the form the HMO relied on to make the disclosure was not a valid authorization under the Privacy Rule. Among other corrective actions to resolve the specific issues in the case, the HMO created a new HIPAA-compliant authorization form and implemented a new policy that directs staff to obtain patient signatures on these forms before responding to any disclosure requests, even if patients bring in their own "authorization" form. The new authorization specifies what records and/or portions of the files will be disclosed and the respective authorization will be kept in the patient's record, together with the disclosed information.

<http://www.hhs.gov/ocr/privacy/hipaa/enforcement/examples/allcases.html#case25>