

## VII. General Rules for Disclosure of Protected Information

Medical practices will be concerned with HIPAA's privacy requirements related to the release of medical information. This section discusses appropriate *disclosure* of medical information under HIPAA.

HIPAA's privacy provisions designate when and how an individual's health information may be released. As we will discuss in the next few chapters, certain categories of information may be released without the patient's authorization. For example, HIPAA specifically allows medical practices and others to release protected health information to comply with workers' compensation laws.<sup>1</sup> For purposes of this discussion, these releases/disclosures will be referred to as *releases that do not require the patient's consent or authorization*.

Under HIPAA, certain types of information may be released when the patient signs an *authorization* for release of the information. For example, under HIPAA a medical practice will have to get the patient's authorization to release protected health information to an employer; a *life* insurance company, a new reporter, a research program, for certain types of external marketing programs, and the like. We will refer to these as releases/disclosures *authorized by the patient*.

Finally, HIPAA makes special provisions for the release of information for the *purposes of treatment, payment, and health care operations (TPO)*.

In addition to this brief overview of disclosures, there are chapters that follow discussing these types of uses/releases of protected health information:

- (1) Releases/Disclosures for purposes of *treatment, payment, and operations (TPO)*:
- (2) Releases specifically *authorized* by the patient (or representative); and
- (3) Releases of information that *do not require a patient's consent or authorization* for purposes other than treatment payment and operations.

In most medical practices, the release of records for *treatment, payment, or operations* probably accounts for 85 to 95% of occasions where information about patients are transmitted to those outside the practice. **For this reason the next chapter discusses disclosures for purposes of treatment, payment, and health care operations.**

Before going to the next chapter, let's review the general privacy regulations regarding the disclosure of protected information.

**At this point, do not become overly concerned with the specifics – each item below will be discussed in detail in subsequent chapters.**

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<sup>1</sup>Specifically, HIPAA regulations says: "A covered entity may disclose protected health information as authorized by and to the extent necessary to comply with laws relating to workers' compensation or other similar programs, established by law, that provide benefits for work-related injuries or illness without regard to fault."