



PATIENT CARE ASSESSMENT DIVISION

ADVISORY – APRIL 2007

Sharing of Patient Information for Quality Improvement Purposes

The transfer of a patient from one health care facility to another is a frequent occurrence, one which requires open communication between facilities to assure continuity of care. On occasion, the transferring facility identifies a need to conduct an internal quality review of the care provided to the patient prior to transfer. In some instances, knowing the patient's final outcome is crucial to that review. This information, however, is not always available to the transferring facility, and its requests to the receiving facility for the information are denied, based on the receiving facility's assertion that the Health Insurance Portability and Accountability Act (HIPAA) prohibits the release of medical information concerning the patient.ⁱ

Health care facilities must have the ability to conduct thorough and transparent reviews of unexpected patient outcomes. It is essential that they have all of the information necessary for those reviews in order to assure that any concerns about a patient's care are identified and addressed. While HIPAA is intended to protect a patient's personal information, it balances these protections, so as to "avoid creating unnecessary barriers to the delivery of quality health care."ⁱⁱ

The HIPAA Privacy Rule permits entities subject to HIPAA requirements to disclose protected health information, without an individual's authorization, to another covered entity for certain "health care operations" of the entity that receives the information."ⁱⁱⁱ "Health care operations" include, but are not limited to: quality assessment and improvement activities, including outcomes evaluation; reviews of competence or qualifications of health care professionals; health care professional and non-professional training; and credentialing, accreditation or licensing activities.^{iv} Covered entities must have policies and procedures that limit such disclosures to the "minimum necessary;"^v and such uses must be covered in the entity's notice of its privacy practices.^{vi}

HIPAA should not prevent health care facilities from accessing patient information for quality assessment and improvement activities in situations such as the one described above. Please review your health care facility's policies and procedures, and assure that they allow for the *release* of certain protected patient information when authorized under the HIPAA Privacy Rule.

ⁱ The Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191 was enacted on August 21, 1996.

ⁱⁱ Uses and Disclosures For Treatment, Payment, and Health Care Operations [45 CFR 164.506]:

www.hhs.gov/ocr/hipaa/guidelines/sharingfortpo.pdf

ⁱⁱⁱ 45 C.F.R. § 164.506 (c). *See generally* Summary of the HIPAA Privacy Rule: www.hhs.gov/ocr/privacysummary.pdf

^{iv} 45 C.F.R. § 164.501

^v 45 C.F.R. §§ 164.502 (b) and 164.514 (d)

^{vi} 45 C.F.R. §§ 164.520 (a) and (b)