

The **Health Insurance Portability and Accountability Act (HIPAA)** is the Federal law that protects your personal health information (PHI). HIPAA allows you to access health care with the assurance that your personal information will be kept confidential.

HIPAA Protects Both Physical Health Care And Mental Health Care Information.

Because family and friends may be involved in your health care, the HIPAA Privacy Rule does allow health care providers to share PHI with other involved persons who provide housing, companionship, transportation, supervision, assistance with medications, service planning, paying health bills or other assistance. Instances when PHI can be shared include, but are not limited to:

- When you agree or do not object to the sharing of information
- When a health care power of attorney is in effect
- When you have a court-appointed guardian
- When you are unable to agree or object due to incapacity due to unconsciousness, temporary psychosis, under the influence of drugs/alcohol or overdose, and
- When you present a serious and imminent threat to self or others.

HIPAA permits, but does not require, providers to disclose information. Providers must use their professional judgment when deciding whether disclosing PHI is in your best interest. In all cases, the provider should only share or discuss information that is relevant to the family member's involvement with your care or payment for care. In the event that you become incapacitated, providers can share information, but should stop once you have regained capacity to agree or object to the sharing of information.

One source of information that may not be shared is psychotherapy notes which receive special protections.

HIPAA does not prevent health care providers from listening to the concerns of family members or other caregivers

In the event that you later request access to your health records, information that is provided by family members to a provider in confidence may be withheld from disclosure so as to not disrupt the family's relationships.

This information has been adapted from the U.S. Department of Health and Human Services, Office of Civil Rights. For questions or concerns about sharing of information, contact the provider or health plan directly.

The Arizona Health Care Cost Containment System (AHCCCS) is committed to ensuring the availability of timely, quality health care. If you continue to have questions, please call AHCCCS Clinical Resolution Team at 602-364-4558 or 1-800-867-5808 or you may submit concerns about quality of care by email at CQM@azahcccs.gov.

