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## Privacy Laws: What is Required?

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**Q: When a patient is referred to a specialist, is a signed medical record release or authorization required from the patient to send the records to the specialist?**

**A: No.** The HIPAA privacy rule allows a physician office to provide patient health information (PHI) without the patient's authorization, when the information is needed for medical treatment, payment, or health care operations. When it is clearly a treatment situation, a patient authorization is unnecessary.

**Q: Can copies of the patient's records from a prior treating physician also be sent?**

**A: Yes.** Records from physicians who previously treated the patient may be sent to the specialist. Information that would be helpful in evaluating the patient can be sent also. However, special consideration and precautions should always be taken with psychiatric records including psychotherapy notes. It would be best to contact CAP's Risk Management & Patient Safety Hotline at 800-252-0555 prior to releasing any psychiatric records.

**Q: When a professional liability carrier or HMO conduct a medical record review, is a signed authorization necessary?**

**A: No.** A signed authorization is not required in either case. HIPAA permits disclosure of PHI, without a written authorization, because the information is needed to evaluate health care operations. Additionally, California privacy laws allow review of patient medical records by agents of organizations such as an HMO representative or *your medical professional liability company (i.e., the Cooperative of American Physicians, Inc.)*, for quality of care and improvement activities. However, if you receive a request for a review from a police or regulatory agency, contact CAP's Risk Management & Patient Safety Hotline at 800-252-0555 for instructions and handling.