

Webinar on

HIPAA Privacy Exceptions for Law Enforcement Purposes Applied to Health Care Professionals

Learning Objectives

- The basics of HIPAA privacy*
- The basics of HIPAA privacy exceptions with patient consent*
- Exceptions to HIPAA privacy for law enforcement purposes for civil matters*
- Exceptions to HIPAA privacy for law enforcement purposes for criminal matters*
- How exceptions to HIPAA privacy are applied by law enforcement agencies, with an emphasis on state licensure boards and agencies*



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○ How you may comply with a request for Protected Health Information when the patient is in trouble and law enforcement is involved

○ How you may comply with a request for Protected Health Information when you are in trouble

○ Case law from the courts regarding HIPAA privacy exceptions for law enforcement purposes

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This webinar goes over the many law enforcement exceptions where health care practitioners are faced with demands for law enforcement or public purpose that overrides the strict confidentiality of HIPAA and a patient's expected right to privacy.

PRESENTED BY:

Mark R. Brengelman focuses on representing health care practitioners before licensure boards and in other professional regulatory matters. He also represents children as Guardian ad Litem and parents as Court Appointed Counsel in confidential child dependency, neglect, and abuse proceedings in family court.

On-Demand Webinar

Duration : 60 Minutes

Price: \$200

Webinar Description

While the basics of HIPAA privacy are well known, and while health care practitioners know how to maintain privacy and to keep the information confidential, fear exists in not knowing the many exceptions enjoyed by law enforcement as used for government or public purposes. These exceptions not only allow but require a health care practitioner to release information. Uncertainty exists when faced with a high-stakes situation of criminal, civil, and public health needs – matters of life and death involving criminal fugitives or the identification of victims of violent crimes.

Uncertainty increases when faced with consequences for not releasing protected health information or for releasing such information inappropriately. Strict compliance is doubtful unless the health care practitioner is fully informed. Know how compliance can be had by responding to a law enforcement request for protected health information by providing only what the law specifically allows – but mandates – to provide. Erase the fear, uncertainty, and doubt with this advanced overview of the many law enforcement exceptions to HIPAA. Review a laundry-list of the most common exceptions that apply not merely to “law enforcement” as in criminal or civil matters, but to “public purposes” such as dealing with dead bodies and public health crises.



This webinar educates the health care practitioner to be aware of the many exceptions to HIPAA privacy so the practitioner will know more than the police when the police come calling demanding protected health information. Know the advanced information necessary to prepare to comply when time is of the essence and the police are waiting for your response. This webinar introduces the speaker in detail to integrate his education, training, and experience into a segue of detailed course objectives. Disclaimers are provided that this webinar is not a comprehensive review of all things HIPAA but simply focuses on one area of this law.

HIPAA privacy basics are covered along with points on releasing protected health information with client consent. A brief history of HIPAA is reviewed along with comparisons to state law on patient confidentiality as applied to licensed health care professionals. State evidentiary rules will be mentioned. Some information on state medical record issues is covered regarding medical record-keeping and the content of records. Procedures are discussed about the release of confidential information and patient communications. HIPAA exceptions then become the bulk of the remainder of the webinar for law enforcement purposes. This can best be described as the release of protected health information without the consent of the patient and without the opportunity to object.



HIPAA exceptions are now the detail of this webinar. We start with public health exceptions, and how that applies to a health care practitioner listing the many things that public health entities may obtain for a public health purpose. Examples include the Food and Drug Administration, employers required to report workplace injuries and other health issues, and schools that are required to report similar health information to government authorities. HIPAA exceptions for law enforcement also cover mandatory reporting of suspected child dependency, neglect, or abuse as well as adult abuse or neglect, and also domestic violence. HIPAA exceptions for health oversight activities are then reviewed. These exceptions cover many different aspects of the government’s “police power” to regulate licensed health care practitioners and government programs that fund health care.

HIPAA exceptions are now the focus concerning judicial and administrative proceedings. A list of categories will be completed. The webinar then focuses on how state licensure agencies use this particular HIPAA exception to conduct an investigation into the licensed health care practitioner. The webinar does cover a final section on HIPAA exceptions for true law enforcement reasons, such as the reporting of certain injuries from violent crime (i.e., gunshot wounds) and the identification of criminal fugitives or deceased persons. The webinar concludes with a review of some cases from the courts and a “top takeaways” or “checklist” of points to summarize the material.

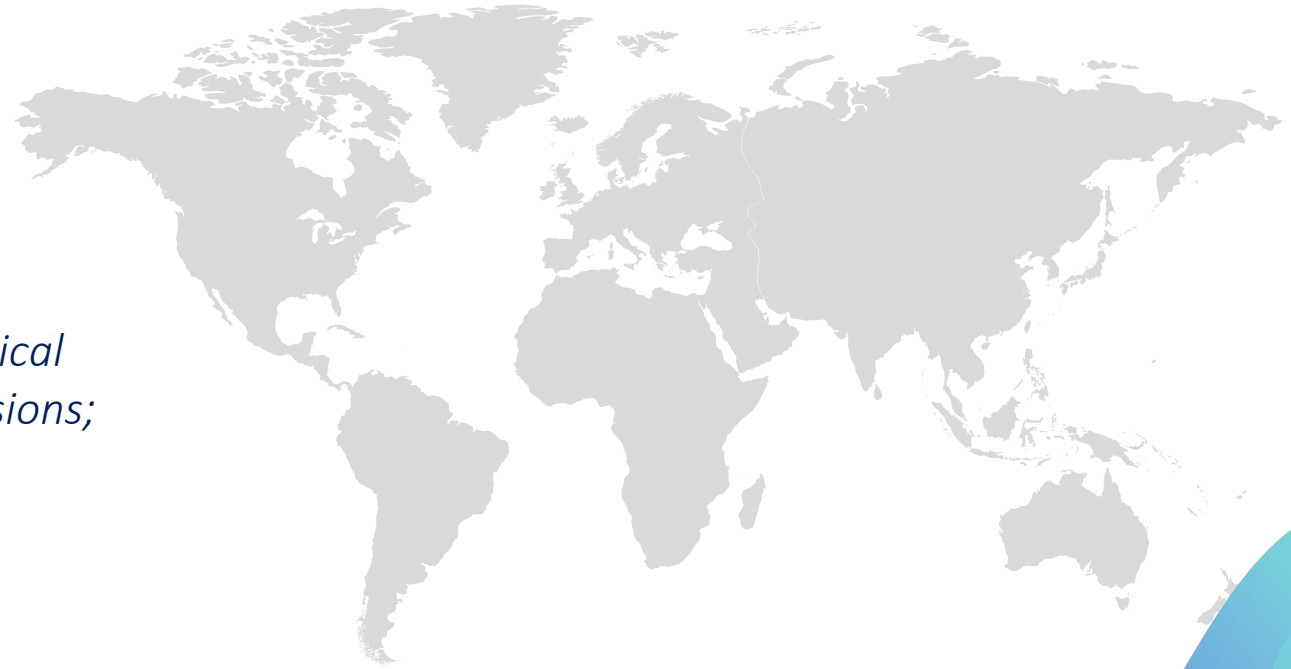


Who Should Attend ?

Individual health care practitioners

Health care attorneys

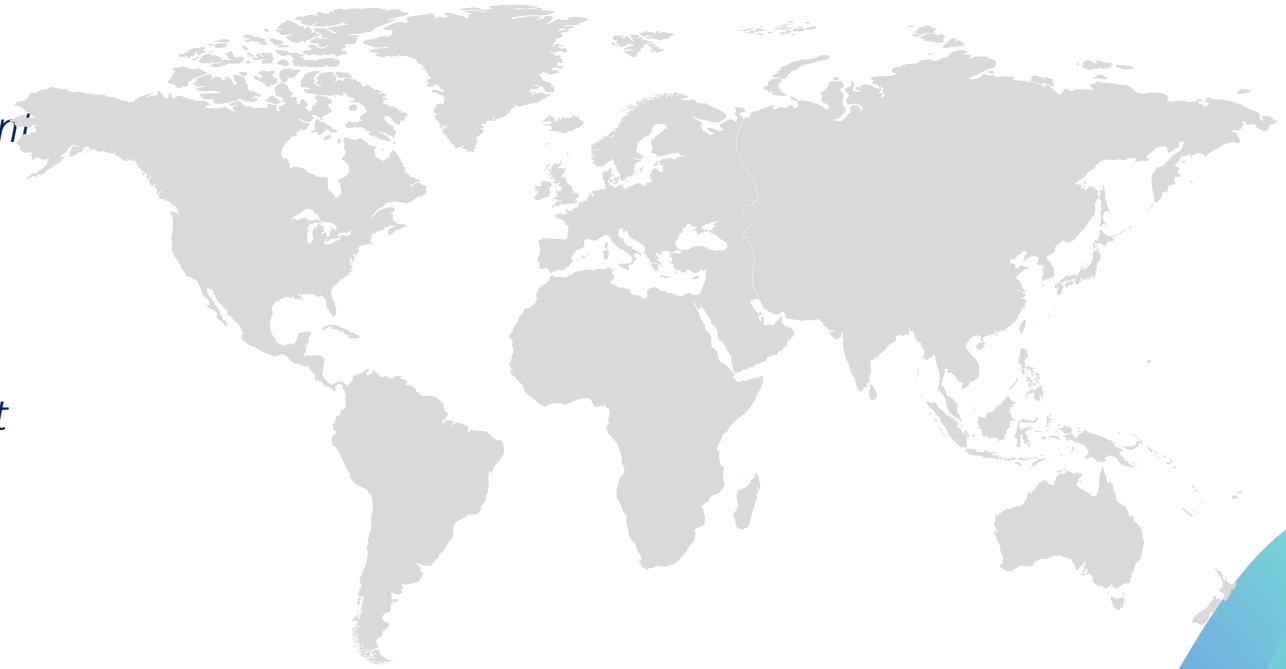
Teachers and educators in graduate-level medical education across the many health care professions; corporate counsel in health care



Why Should Attend ?

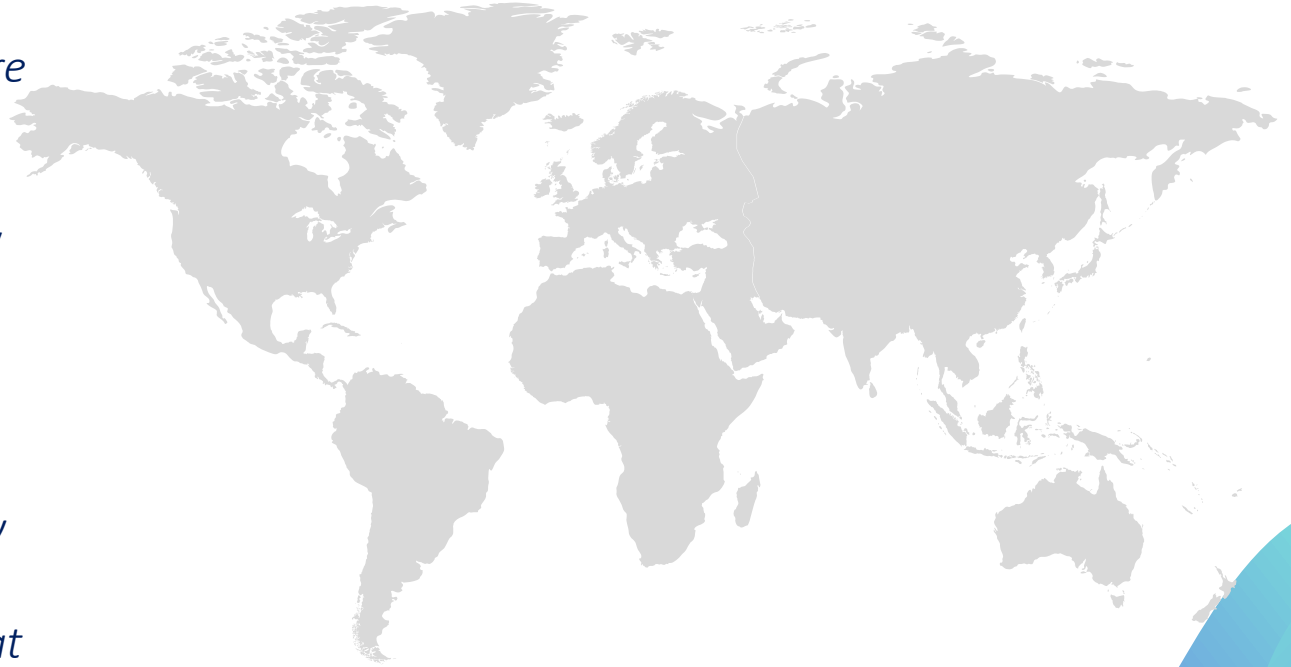
While the basic provisions of privacy for protected health information are well known, exceptions abound for the various law enforcement purposes as applied to both the federal and state government and its law enforcement activities. Health care professionals must be aware of the many exceptions to confidentiality for protected health information. Many of these exceptions arise in situations where the health care practitioner is not the target of a government inquiry but may hold information necessary to carry out a legitimate government function.

These legitimate government functions can include criminal and civil investigations, even where the health care practitioner is not the subject of the inquiry itself. Erase the uncertainty and doubt that exists when the health care practitioner is confronted with a police demand for information – are you the target? Who is? Why do they want information from me?

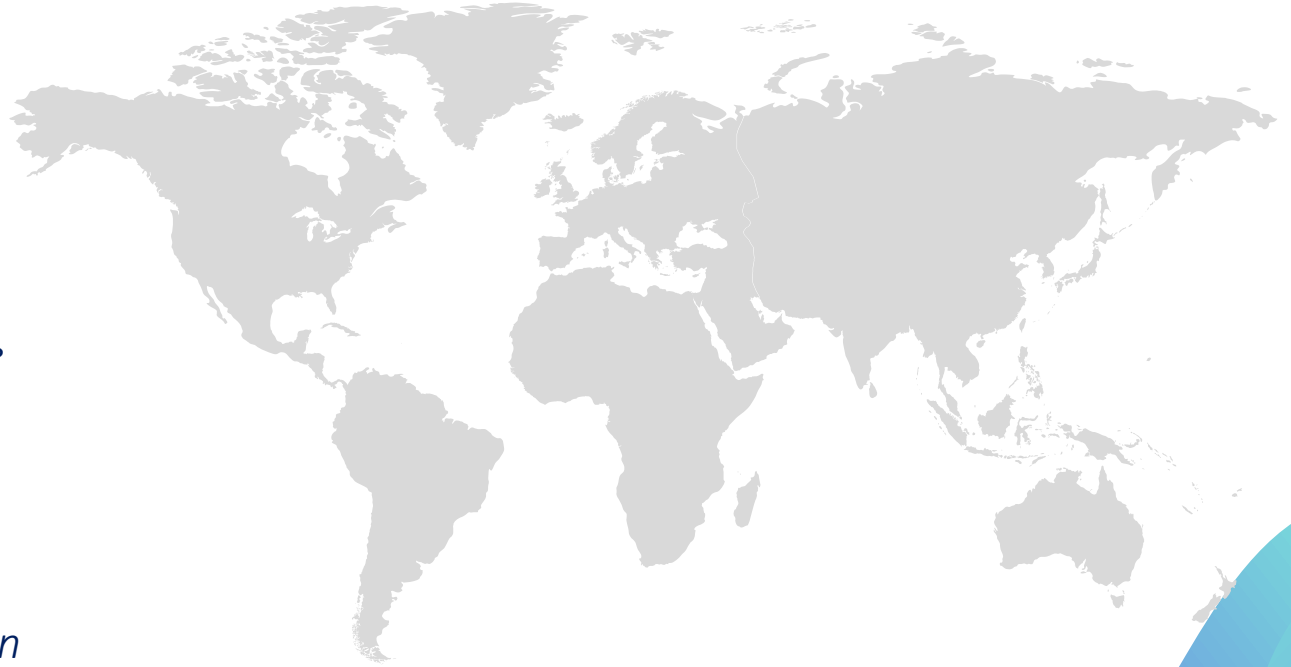


What can you release? To whom? Do you have to notify the patient? Should you notify the patient? What must you document as a permitted disclosure when the police come calling? Find out in this informative webinar that arms you with a fuller knowledge of the HIPAA privacy exceptions for law enforcement purposes.

This webinar answers the advanced questions: What power does the state have to use a HIPAA exception to confidentiality? How does one comply with a request? What records are obtained that apply to a civil or to a criminal investigation? What pitfalls are there for noncompliance?



This webinar goes over the many law enforcement exceptions where health care practitioners are faced with demands for law enforcement or public purpose that overrides the strict confidentiality of HIPAA and a patient's expected right to privacy. Both criminal and civil public purposes for law enforcement exceptions exist that may burden the health care practitioner with requests that must be complied with. Take a deeper look into how state licensure agencies go about their unique government investigations and obtain protected health information to further their own state-mandated, investigative purposes. This occurs when the license of the health care practitioner is under investigation and their very livelihood is at stake.



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