

What is a HIPPA release? Do I need a HIPPA release? Do I need to sign one so that someone else can have my release?

HIPPA stands for the Health Insurance Privacy and Portability Act passed by the US Congress. Among the many issues addressed in this law is restrictions on access to our medical records. While we generally, and at least theoretically, believe that there should be restrictions on others' abilities to access our medical records, in actuality almost no one wants to read our medical records until we are in need of important medical assistance. Then, and perhaps only then, we really do wish someone would read our medical records and assist us in monitoring our medical care.

Prior to the HIPPA law being enacted, many medical care providers would allow your immediate family members access to your medical records when such was obviously important, necessary, or at least very helpful. Since the enactment of the HIPPA law, most medical care providers are very diligent in restricting access to our medical records unless we have signed a document that specifically grants someone authority to review our records. This authority to review medical records can become extraordinarily important. For example, in the event that you are very ill, it is quite possible that your closest friends and family will want to have your medical records reviewed by a different physician or institution to assure that you are receiving the best medical care available for your particular symptoms. If the person who is requesting those medical records has ready access to your release, such a review is not particularly difficult. But in the event that you have not granted such a release and delivered it to the person whom you wish to have this access, it can be very time consuming, expensive, and frustrating to access your medical records. Often the people who would like to assist you at this time will be required to seek a court order from the guardianship judges granting them the authority to receive your medical records, have them reviewed by other providers, and receive the advice they feel that they need.

Perhaps the next question that will cross your mind is, "Should I, a healthy person, give someone else authority to review my medical records? If not, why not?"

In order to grant a medical release that is actually binding and useful, a person executing must be competent and of fully sound mind. That means that while you are healthy it is probably the perfect time for you to begin preparing the documents that will be necessary for your best level of care should you become ill. If your family members have access to such a document, it is much more likely that they will be willing and able to assist you in your time of need. If they do not have this access, they will be seeking and hiring an attorney who is likely to require thousands of dollars in retainer before that attorney will prepare and file the documents necessary to seek a guardianship. Some of our family members who are most willing and able to help in our time of need will not have ready access to the funds necessary to retain counsel and seek a guardianship. Therefore, my specific recommendation is that each of you execute a HIPPA release and deliver it to the person or persons that you expect will be most likely to assist you when you are ill. You might also consider delivering a copy of this document to the hospital that you

are most likely to be taken to in case of sickness. Perhaps you should also give a copy of your release to your own family physician. Electronic medical records are becoming much more common and much more readily shared between medical providers. At the time of this writing, there is no form of electronic medical records that is shared successfully and routinely across the broad spectrum of our medical providers, but I expect that to occur within a reasonable time.

What is a HIPPA release? Do I need a HIPPA release to be a caregiver?

HIPPA stands for the Health Insurance Privacy and Portability Act passed by the US Congress. Among the many issues addressed in this law is restrictions on access to medical records. While you may generally, and at least theoretically, believe that there should be restrictions on others' abilities to access a person's medical records, in actuality almost no one wants to read medical records until important medical decisions must be made. Then, and perhaps only then, will you really wish you could read your loved one's medical records and assist them in monitoring their medical care.

Prior to the HIPPA law being enacted, many medical care providers would allow immediate family members access to medical records when such was obviously important, necessary, or at least very helpful. Since the enactment of the HIPPA law, most medical care providers are very diligent in restricting access to medical records unless you have signed a document that specifically grants you authority to review someone's records. This authority to review medical records can become extraordinarily important. For example, in the event that your father is very ill, it is quite possible that he would want you to have his medical records reviewed by a different physician or institution to assure that he is receiving the best medical care available for his particular symptoms. If you have ready access to your father's release, such a review is not particularly difficult. But in the event that he has not signed such a release and delivered it to you, the process of accessing his medical records can be very time consuming, expensive, and frustrating. Often at this time you will be required to seek a court order from the guardianship judges granting you the authority to receive your loved one's medical records, have them reviewed by other providers, and receive the advice that you feel that you need.

Perhaps the next question that will cross your mind is, "All my family members are in good health, so when should they sign a HIPPA release granting me the authority to view their medical records?"

In order to grant a medical release that is actually binding and useful, a person executing must be competent and of fully sound mind. That means that while your family members and loved ones are healthy it is probably the perfect time for them to begin preparing the documents that will be necessary for you to give them the best level of care should they become ill. If you have access to such a document, it is much more likely that you will be able to assist them in their time of need. If you do not have this access, you will be seeking and hiring an attorney who is likely to

require thousands of dollars in retainer before that attorney will prepare and file the documents necessary to seek a guardianship. Therefore, my specific recommendation is that you help those you expect to care for in the future execute a HIPPA release so that you will be able to assist them when they are ill. You might also consider delivering a copy of this document to the hospital that you are most likely to take them to in case of sickness. Perhaps you should also give a copy of the release to your own family physician. Electronic medical records are becoming much more common and much more readily shared between medical providers. At the time of this writing, there is no form of electronic medical records that is shared successfully and routinely across the broad spectrum of our medical providers, but I expect that to occur within a reasonable time.