

April 2013

Dear Clients & Friends:

Have we gone overboard with all the new laws ensuring the privacy of patients? Spend a little time researching and you'll find lots of complaints like this one:

“My husband passed away in a nursing home last month. Since the very beginning they refused to give me any copies of his medical records which I had asked for because I had questions about his treatment. They came back at me with the fact I did not have his Proxy of POA. Since my husband suffered a massive stroke which left him unable to communicate in any way I was left with no leg to stand on.

Since his passing I have requested copies of the medical records and they refused again citing the same reasons. It is outrageous that I should have to spend money on lawyers, money I don't have, to get a Court Order ....”

The Health Insurance Portability and Accountability Act (HIPAA) prevents doctors, hospitals and other medical providers from giving out any information relating to an “individual's past, present or future physical or mental health or condition,” or any details about the health care services being provided or the manner of paying for those services.

Up to this point, most doctors have been willing to talk to spouses and children, but enforcement of the HIPAA rules is increasing.

If you would like to authorize the release of your own medical information to family or friends, you can ask your attorney to prepare the necessary document. An example of a HIPAA authorization form is on my website, [www.cmsfinancial.com](http://www.cmsfinancial.com), under downloads.

Regards,



Charles M. Shackelford