



Orlando Mass Shooting and the Federal HIPAA Law

In the midst of a health crisis like the mass shooting in Orlando, Florida, at Pulse Nightclub Sunday, June 12, 2016, health professionals are often asked to make rapid and critical decisions that could affect a patient's privacy. After this horrific event, physicians and hospitals in the Orlando area were asked to weigh the risks of informing family and friends of their loved ones' status against assumptions that the federal HIPAA (Health Insurance Portability and Accountability Act) law would be violated if they acted without patient consent.

In a time of crisis, providers sometimes misinterpret the HIPAA Privacy Rule as it pertains to what information may be released to family and friends, particularly if a person is incapacitated and cannot make his or her wishes known. According to the U.S. Department of Health and Human Services, during emergency treatment situations or incapacity, HIPAA allows providers to use their judgment to determine what to say to families and friends of patients who are incapacitated or incompetent as long as that person did not previously indicate otherwise.

Please find additional information below on the correct interpretation of the federal HIPAA law.

Department of Health and Human Services: Frequently Asked Questions Website:

<http://www.hhs.gov/hipaa/for-professionals/faq/disclosures-to-family-and-friends>

HHS OCR BULLETIN: HIPAA Privacy in Emergency Situations

<http://www.hhs.gov/sites/default/files/emergencysituations.pdf>

Emergency Situations: Preparedness, Planning, and Response

<http://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/index.html>

Don't Blame HIPAA: It Didn't Require Orlando Regional Medical Center To Call the President

<http://www.emrandhipaa.com/guest/2016/06/13/dont-blame-hipaa-it-didnt-require-orlando-regional-medical-center-to-call-the-president/>