



Health Information Compliance Alert

Timely News & Analysis On
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Security & Technology

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*We welcome your
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E-mail **Kristin J. Webb-Hollering**
Development Editor, at:
kristinwh@codinginstitute.com

To subscribe or request help
with your current subscription,
call: 1-800-874-9180 or
e-mail: service@codinginstitute.com.

▶ HIPAA

Don't Forget About Prior Authorization

OCR issues COVID-19-inspired reminder.

Due to increased reporting on the coronavirus pandemic, the feds worried that some covered entities (CEs) were letting HIPAA privacy fall to the wayside. These concerns prompted a recent update on compliance and authorization. Read on for the details.

Background: On May 5, the **HHS Office for Civil Rights (OCR)** doubled down with a HIPAA Privacy Rule update to remind CEs that their first priority is to safeguard patients' protected health information (PHI). In a nutshell, CEs must ensure prior authorization is in place before allowing the media into facilities to film patients during a pandemic.

"Even during the current COVID-19 public health emergency [PHE], covered healthcare providers are still required to obtain a valid HIPAA authorization from each patient whose PHI will be accessible to the media before the media is given access to that PHI," warns OCR in a release. "The guidance clarifies that masking or obscuring patients' faces or identifying information before broadcasting a recording of a patient is not sufficient, as a valid HIPAA authorization is still required before giving the media such access."

Understand the Differences Between "Consent" and "Authorization"

Simply put, patients agree to allow providers to treat them, and that registers usually as verbal consent. Moreover, CEs "voluntarily" procure this patient consent, so they can use and disclose PHI for "treatment, payment, and healthcare operations," OCR guidance maintains.

On the other hand, authorization is something completely different and refers to a written record obtained by the CE from the patient, allowing PHI to be used for different purposes. This is usually necessary because PHI is being utilized or disclosed for something that isn't typically sanctioned under the Privacy Rule. In this case, "voluntary consent is not sufficient

