

DISCLOSING PATIENT INFORMATION TO INSURANCE COMPANIES WHAT SHOULD YOU DO?

You receive a request from an insurance company for information about a patient. The request form from the insurance company includes a signed statement that the patient consents to release of his/her health information to the insurance company.

You wouldn't disclose this information without the patient's consent. You know, however, that the patient needs you to provide some information to the insurer in order to receive the insurance coverage he/she wants. Since the signature is there, you might ask: Isn't the patient's signature good enough?

A signature is not enough

It's true that the patient wants the insurance. It's true that you want to assist the patient in a timely fashion.

It's also true that if you don't obtain a proper consent under the *Health Information Act* (HIA), you could be at risk if the patient ever filed a complaint or lawsuit.

How you can reduce your risk

Before making the disclosure, you must consider two things:

1. Whether the consent contains all the components required by HIA
2. How much information you should disclose to meet the consent provided

<i>Components of an HIA consent</i>	<i>How much information to disclose</i>
<p>Section 34(2) of HIA says that a consent must be given in writing or electronically and include:</p> <ul style="list-style-type: none"> • What information is to be disclosed • The purpose for disclosure of that information • To whom the information can be disclosed • That the person giving consent knows why it is being given and accepts the risks • The date the consent starts and the date the consent ends, if any • That the person is aware that the consent can be revoked at any time <p>A sample consent form appears on the back of this page. You may wish to provide it to the insurer and require it to be completed. When it is returned, if you are unsure about any of the patient's responses, it's always a good idea to check with the patient before making the disclosure.</p>	<p>Even with an appropriate consent, you must consider the information that you hold for a patient and strive to disclose only the information that relates to the purpose of the consent.</p> <p>In most cases, you would not provide a copy of the entire chart.</p> <p>Review the information on file and make your best effort to disclose the least amount of information required for the purpose.</p> <p>This can be difficult, but as long as you are acting in good faith, you are protected under Section 105 of HIA for "anything done or not done. . . while carrying out duties or exercising powers under this Act, including, without limitation, any failure to do something where a person has discretionary authority to do something but does not do it."</p>

Sample Form

Consent to the disclosure of individually identifying health information

(Adapted from *Health Information Act: Guidelines and Practices*, Alberta Health and Wellness, 2001)

I, _____, authorize (the attached) individually identifying

- diagnostic, treatment and care information
- registration information

of myself to be disclosed by Dr. _____, in accordance with section 34 of the *Health Information Act* to _____, for the following purpose(s):

I understand why I have been asked to disclose my individually identifying information, and am aware of the risks and benefits of consenting, or refusing to consent, to the disclosure of my individually identifying health information.

I understand that, under section 58(2) of the *Health Information Act*, my express wishes must be considered and I have the right to indicate any portion of my health information that I wish to be kept confidential by my physician and not disclosed to others. I may revoke my consent at any time.

Date: _____
Day Month Year

Expiry Date (if any): _____
Day Month Year

Patient Signature

Patient Name (please print)