



# HIPAA and the Opioid Crisis

HIPAA allows healthcare professionals to share health information with a patient's loved ones in an emergency or in dangerous situations. With proper communication, we can advance and support family involvement that is crucial to the appropriate care and treatment of patients experiencing a crisis situation, such as an opioid overdose. It is important to understand when and how to share information with patients' family and friends without violating HIPAA in these kinds of cases.

## When Can You Share Information About Opioid Use With a Patient's Family or Friend?



### When the patient gives us permission.

- For **conscious** patients with **decision-making capacity**, you **must** get the patient's permission (or give the patient an opportunity to agree or object) **before** sharing health information with family and friends, **UNLESS** there is a serious and imminent threat of harm to health.



### If we have a good faith belief of serious and imminent threat to the patient's safety.

- You can share **limited** health information with a family member/friend who is in a position to **prevent** or **lessen** a serious or imminent threat to a patient's health or safety.
- For example, a physician can discuss a patient's opioid overdose and abuse with a patient's family member **IF** the physician believes, in good faith, that the patient poses a serious and imminent threat to themselves from continued abuse upon discharge because the patient wants to drive themselves home.
- The physician should **document** the facts and why the determination was made to discuss with the family or friend.



### Limited and relevant information when the patient is incapacitated or unconscious and we legitimately need to share the information.

- The provider determines that sharing this information is in the best interest of the patient; **and**
- The information shared is limited and directly related to the family or friend's involvement in the patient's care.
- The physician should **document** the facts and why the determination was made to discuss with the family or friend.

## Remember!

A patient's decision-making capacity may change during the course of treatment, as well as their willingness to share information with others. For example, a patient who is severely intoxicated or unconscious at admission will not have capacity at first, but may regain capacity later and be able to meaningfully agree or object to sharing their information. You **must** get the patient's permission at that time.

For More Information:  
[www.hhs.gov/hipaa](http://www.hhs.gov/hipaa)