

## Proposed HIPAA Changes Intended to “Empower Patients” and “Improve Coordination of Care”

Articles, News February 24, 2021

By Michael Cassidy

On December 10, 2020, the Department of Health and Human Services (HHS) and the Office of Civil Rights (OCR) collaborated on announcing proposed HIPAA changes, intended to “empower patients” and “improve coordination of care”.

That’s encouraging, although one would have thought that to be unnecessary by now. HIPAA was enacted in 1996. It is a little surprising this remains a problem.

The announcement and proposals occupy approximately 350 pages, accessible through this [link](#), so we are going to wait until we get something more specific to discuss actual language, but the changes that appear to have the most potential impact are as follows:

- Allowing patients to take images and make notes with respect to electronic records rather than waiting for paper copies
- Facilitating the use of an “EHR pathway”, so that the patients can share records with multiple providers online
- Providing exceptions to the “minimum necessary disclosure” language which would allow more sharing for the purpose of improving coordination of care
- Allowing disclosure of PHI when the providers determine in good faith that it would be in the best interest of the patients, i.e. disclosure to family
- Allowing more disclosures to law enforcement when there is a serious and reasonably foreseeable threat