Incidental Uses and Disclosures

The federal government has passed a national rule regarding the privacy of health information that impacts the Medical College’s ability to use this information to carry out its mission and conduct its day-to-day activities. This national rule, which took effect April 14, is called the Privacy Regulation and is part of the Health Insurance Portability and Accountability Act (HIPAA). The Privacy Regulation allows for uses or disclosures that are “incidental” in nature. An incidental use or disclosure is one that cannot reasonably be prevented, is limited in nature, and occurs as a result of another use or disclosure that is permitted by the Regulation. This type of disclosure of protected health information (PHI) may occur as a result of performing our day-to-day activities. However, an incidental use or disclosure is not permitted if it is a byproduct of an underlying use or disclosure that violates the Privacy Regulation.

For an incidental use or disclosure to be considered allowable, MCW must make sure that only a minimum necessary amount of PHI is used for our activities as required, and that we employ reasonable security measures for the storage and transmission of PHI. Examples of incidental uses or disclosures may include sign-in sheets in waiting rooms, patient charts at a bedside, or overheard conversations that could not be kept private.

If you wish to learn more about HIPAA please visit the MCW HIPAA website at http://infoscope.mcw.edu/display/router.asp?DocID=7961.