

**HIPAA COW  
POSITION STATEMENT**

**DISCLOSING PROTECTED HEALTH INFORMATION (PHI) FOR  
TREATMENT PURPOSES**

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**Background:**

There have been concerns brought forth on the part of health care providers<sup>1</sup> related to difficulties in obtaining critical patient information from other health care providers for purposes of treatment. Under HIPAA 45 CFR §164.501, treatment includes the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another.

**Key Points:**

- HIPAA 45 CFR §164.506 and Wisconsin Statute §146.82 allow for the sharing of protected health information between health care providers for treatment purposes without patient authorization.
- In a medical emergency, Wisconsin Statute §51.30 does not require patient authorization when sharing protected health information with a licensed physician who has determined that the life or health of the individual is in danger and that treatment without the information could be injurious to the patient’s health. This applies only to that protected health information necessary for the emergency and does not include sharing the entire treatment record. In addition, Wis. Stat. §51.30(4)(b)8g.bm permits disclosure of limited

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<sup>1</sup> Wisconsin statute §146.81(1)(a)-(s) provides a listing of categories defined as “health care providers.”

treatment information without patient consent to a health care provider who is involved in the individual's care, if necessary for the current treatment of the individual. .

- Wisconsin Statute §146.816 permits covered entities and their business associates to use or request disclosure of mental health treatment records without patient authorization for the limited purpose of treatment, payment or healthcare operations, so long as such uses, disclosures or requests for disclosure are otherwise compliant with HIPAA. (Note: Disclosure is *permitted*, but not *required*.)
- HIPAA 45 CFR §164.506 and Wisconsin Statute §252.15 allow for the sharing of HIV patient protected health information between health care providers for treatment purposes without patient authorization.

HIPAA COW at its website, [www.hipaacow.org](http://www.hipaacow.org), has an analysis of HIPAA and Wisconsin law and documents addressing acceptable Wisconsin practices with regard to responding to authorizations.

Health care providers should follow their organizational procedures to assure that release or disclosure of PHI to other health care providers for treatment purposes is provided expediently and without restrictions.

HIPAA COW is dedicated to working with all providers, covered entities and business associates to assist in the challenge of developing compliant privacy practices.

**Version History:**

**Current Version:** 10/20/2023

<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Content Changed:</b>
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**Previous Versions:**

<b>Date:</b>	<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Content Changed:</b>
9/3/19	Carrie Aiken, CHC Sharla Utpadel, Paralegal Cherri Fields, RHIT Cathy Hanson, RHIA Karin Butikofer, CHPC Amy Derlink, RHIA, CHA	Chrisann Lemery, MSE, RHIA, CHPS, FAHIMA  Privacy Networking Group	<ul style="list-style-type: none"> <li>● Included definition of treatment.</li> <li>● Added reference to Wis. Stat. §51.30(4)(b)8g.bm</li> <li>● Added HIPAA Harmonization.</li> <li>● Included business associates.</li> <li>● Referenced following organizational procedures.</li> </ul>

**Original Version:** November 2005

<b>Prepared by:</b>	<b>Reviewed by:</b>
HIPAA COW Privacy Task Force	HIPAA COW Privacy Task Force