



Lutheran Services in America

Together we can

HIPAA & Pastoral Care **AN OPPORTUNITY FOR COMMUNICATION**

As a person deals with illness or injury, recovers from surgery, or faces a difficult prognosis or chronic situation, medical professionals, friends and family, health care facility chaplains and parish pastors all have an important role to play in God's work of healing. New privacy regulations require more intentional communication to make this happen.



What is HIPAA? HIPAA stands for the Health Insurance Portability and Accountability Act of 1996. The privacy regulations section of HIPAA required health care providers to increase the protection of patient health information. As of 2003, health care providers (including hospitals, nursing homes and physicians' offices) were required to give consumers greater control over who received their personal health information. This meant major changes for health care providers, patients/ residents, and for the clergy who provide pastoral care to them.

The three purposes of the HIPAA privacy regulations included:

- protecting the rights of consumers of health care services by offering them access to their own health information and controlling the inappropriate use of their information;
- improving the quality of health care by restoring trust in the system; and
- improving efficiency and effectiveness by establishing a national set of standards for protecting personal health information.

What information will the hospital or nursing home give my pastor?

Prior to HIPAA, clergy were often given generous amounts of informal information about patients in hospitals and other health care facilities. Especially as trusting relationships were established, pastors could often view the list of admissions or receive updates on members of their congregations. However, under HIPAA, information is much more restricted.

If a patient/resident does not object, most health care facilities will list the patient name in the facility directory. HIPAA regulations generally allow pastors to receive limited information based on this directory, including the location, religious affiliation, and general health condition of the individual. For additional information, a signed authorization must be completed or the patient must share the information directly with the pastor.

How can I be sure that my friends, family and pastor can find me in the hospital or other health care facility? Due to the implementation of the HIPAA privacy regulations, hospitals may not freely provide information about your admission or care. Consequently, patients must take a more active role in ensuring that their family, friends, and pastor can find them. The single

best way to do this is to make sure that someone—you or a family member or friend—calls the pastor and other key individuals to let them know of your admission. The more information that you provide directly to the pastor, the more readily pastoral care can be provided.

Hospitals and other health care facilities are permitted to utilize a patient directory. By including your name in the facility directory, you are giving permission for this question to be answered, "In what room is Mrs. Olson?" However, if you object to being listed in the directory, the health care facility cannot confirm or deny that you are at that facility.

Some say that it is a HIPAA violation to offer prayers of intercession for individuals in the hospital or nursing home. Is that true?

Whether naming someone in intercessory prayers is a violation of HIPAA depends on who is doing the praying and how the protected health information was obtained. For example, if an employee of the hospital learns of a hospitalization during work and shares this information with a pastor or other congregation members, the hospital employee (and thus the hospital) has violated HIPAA. However, if a parish pastor visits a congregation member in a nursing home and adds that individual to the prayers the following Sunday, there has been no HIPAA violation.

I was in the hospital for 5 days and my pastor didn't check on me at all.

Why? Congregation members who are hospitalized or admitted to a health care facility must tell the pastor. Sometimes members believe that the pastor will just intuitively or automatically know. Pastors are no longer able to see a master list of all of the patients who are in the hospital.

Each hospital has specific policies and procedures specifying what a visiting clergy person may be told without a signed authorization for release of information. These procedures differ from facility to facility. For example, some permit the pastor to see a denomination list. However, if you decline to put your name in the facility's patient directory or decide to not identify your religious affiliation, it is likely that your pastor may not be able to find you. And, if the pastor does not have another reason to visit the facility for a few days, even a directory will not make that important connection between you and your pastor.