



# Does HIPAA require that health care providers obtain patient authorization to disclose PHI for treatment purposes?

## DEBUNKING THE MYTH

Apart from psychotherapy notes – in which specific requirements apply – health care providers are not required to procure authorization or consent from patients to disclose protected health information (PHI) to another clinician or clinical entity for treatment purposes under HIPAA, as the HIPAA Privacy Rule permits such disclosures to facilitate patient care.<sup>1,2,3</sup>

### AMA Policy

[Patient Privacy and Confidentiality H-315.983](#)

## TAKEAWAY

To reduce administrative burden and streamline care coordination, physicians may share PHI with other clinicians for treatment purposes without the unnecessary step of obtaining patient authorization (except for psychotherapy notes).

### Resources

- [Code of Federal Regulation Section 164.506- Uses and Disclosures to Carry Out Treatment, Payment, or Health Care Operations](#). Accessed October 2022.
- [HHS Description of 45 CFR 164.506](#). Accessed October 2022.
- Download this myth: [Protected health information disclosures for treatment purposes](#) (PDF)

### Resources

1. Department of Health and Human Services. Section 164.506 - Uses and Disclosures to Carry out Treatment, Payment, or Health Care Operations.; 2003. Accessed October 12, 2022. <https://www.govinfo.gov/content/pkg/CFR-2003-title45-vol1/xml/CFR-2003-title45-vol1-sec164-506.xml>
2. Office for Civil Rights. Does a physician need a patient's written authorization to send a copy of the patient's medical record to a specialist or other health care provider who will treat the patient? HHS.gov. Published December 19, 2002. Accessed October 12, 2022. <https://www.hhs.gov/hipaa/for-professionals/faq/271/does-a-physician-need-written-authorization-to-send-medical-records-to-a-specialist/index.html>
3. Office for Civil Rights HIPAA Privacy. Uses and Disclosures for Treatment, Payment, and Health Care Operations. HHS.gov. Published December 3, 2003. Accessed October 12, 2022. <https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/disclosures-treatment-payment-health-care-operations/index.html>