

Explanation of Sample HIPAA Privacy Policy Number 1: Personal Representatives

The HIPAA Privacy Rule gives patients certain rights and requires patients to sign multiple documents. For example, practices must obtain patient signatures on HIPAA authorizations and must have an acknowledgement signed indicating that the patient has received a Notice of Privacy Practices.

It is, therefore, important for practices to understand that a “personal representative” will “stand in the shoes” of the patient for exercising the patient’s rights and for signing HIPAA related documents.

To determine whether a person should be considered a “Personal Representative” of a patient, the practice must look at whether the person has the authority to act on behalf of the patient under Michigan law for health care related decisions. If the answer is yes, then that person is considered a Personal Representative for HIPAA purposes.

A sample policy is included which practices can use to determine whether a person should be considered a Personal Representative.