



HIPAA Clarification Letter

When providing client services, Red Cross workers may need to obtain information from health care providers about patients that providers are treating due to disaster-related conditions. Hospitals may share patient information with the Red Cross because the Health Insurance Portability and Accountability Act (HIPAA), which is the federal law that addresses medical record privacy, specifically authorizes hospitals to do so to help us carry out our disaster-related mission.

Some hospital staff, however, may not be aware that the Health Insurance Portability and Accountability Act (HIPAA) permits them to share patient information with the Red Cross. The attached statement is written to describe the relevant HIPAA provision. Red Cross staff should use the attached statement to educate hospitals about this provision and how, by sharing patient information, hospitals are permitted by law to help us address urgent humanitarian needs in a disaster.



During times of crisis, the American Red Cross provides a wide array of humanitarian services, including services to hospitalized patients and their families. When a disaster victim is hospitalized or deceased, we can help notify families of the condition of their loved one, offer them help with their medical and mental health needs, and refer them to appropriate social service providers. When a member of the U.S. military has a family member who is hospitalized or deceased, we can help notify the service member and arrange for visits home.

To perform these critical humanitarian activities, the American Red Cross needs the cooperation of hospitals and coroner's offices. We need the patients' names and contact information, and sometimes limited information about their care and condition, so we can contact their families and offer support services. This type of cooperation is encouraged by the Health Insurance Portability and Accountability Act (HIPAA) regulations, which permit covered entities (such as hospitals) to share patient information with organizations like the Red Cross.

Specifically, the HIPAA regulations permit covered entities to share patient information with someone who will help notify a patient's family of the patient's location, general condition, or death. (45 C.F.R. §164.510(b)) The regulations also permit covered entities to share patient information to assist in disaster relief efforts. (45 C.F.R. §164.510(b)(4)) The preamble to the final HIPAA regulations explains:

“We allow covered entities to use or disclose protected health information without individual agreement to federal, state, or local government agencies engaged in disaster relief activities, as well as to private disaster relief or disaster assistance organizations (such as the Red Cross) . . . to allow these organizations to carry out their responsibilities in a specific disaster situation. Covered entities may make these disclosures to disaster relief organizations, for example, so that these organizations can help family members, friends, or others involved in the individual's care to locate individuals affected by a disaster and to inform them of the individual's general health condition. This provision also allows disclosure of information to disaster relief or disaster assistance organizations so that these organizations can help individuals obtain needed medical care for injuries or other health conditions caused by a disaster.”

We encourage your organization to help us aid families in your community when they face a crisis. If the Red Cross asks for information about patients in your care in order to provide the patients' families with humanitarian assistance, such as assistance with financial needs, notifications, and leave requests, we hope you will answer the call.

If you have any questions, please call us at ___(number provided in email contact)_____.