

## **Peachtree Park Pediatrics**

### **Policy: Release of Protected Health Information (PHI)**

The United States Department of Health and Human Services states:

The HIPAA Privacy Rule generally allows a parent to have access to the medical records about his or her child, as his or her child's personal representative when such access is not inconsistent with State or other law.

There are three situations where the parent would not be the minor's personal representative under the Privacy Rule. These exceptions are:

1. when the minor is the one who consents to care and the consent of the parent is not required under State or other applicable law
2. when the minor obtains care at the direction of a court or a person appointed by the court; and
3. when, and to the extent that, the parent agrees that the minor and the healthcare provider may have a confidential relationship.

However, even in these exceptional situations, the parent may have access to the medical records of the minor related to this treatment when State or other applicable law requires or permits such parental access. Parental access would be denied when State or other law prohibits such access. If state or other applicable law is silent on a parent's right of access in these cases, the licensed healthcare provider may exercise his or her professional judgment to the extent allowed by law to grant or deny parental access to the minor's medical information (HHS 3/14/06).

The medical record is a legal document and is owned by Peachtree Park Pediatrics (PPP). It is the practice of PPP to permit both custodial and non-custodial parents access to the child's medical information, unless a parent has had such parental rights terminated by the court and such documentation has been provided to PPP.

Per the HIPAA Privacy Rule, a parent/patient has the right to request, in writing, limitations and restrictions of PHI as outlined in the Notice of Privacy Practices. As also noted in the Notice, PPP is not required to agree to such a request.