Family members are often involved when patients present for emergency care related to overdose. Providers need to know when they can legally share information about a patient, with whom, and what information can be shared.

What You Need to Know

The U.S. Department of Health and Human Services Office for Civil Rights (OCR) has released guidance regarding working with patients' loved ones following an overdose.

KEY POINTS FROM THE OCR GUIDANCE INCLUDE:

- After an overdose, health professionals may share patient information with the patient's loved ones if they are in crisis and incapacitated, or face a serious and imminent threat of harm.

- Federal privacy law permits patients' families to be involved with their care following an overdose, while also protecting patients' right to decide when and whether their information will be shared.

- After a patient recovers from an overdose and regains capacity to make healthcare decisions, the patient still has the right to confidentiality - unless there is a serious and imminent threat of harm to the patient.

For More Information

Resources
This resource is one of many that are available within the Center of Excellence for Protected Health Information's resource library which can be found at coephi.org.

Request Technical Assistance
You can request brief, individualized technical assistance and join our mailing list for updates, including news about the publication of new resources and training opportunities, here.

Disclaimer

Resources, training, technical assistance, and any other information provided through the Center of Excellence for Protected Health Information do not constitute legal advice. For legal advice, including legal advice on other applicable state and federal laws, please seek out local counsel.

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