



Family members are often involved when patients present for emergency care related to an 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, HIPAA permits health professionals to 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.¹
- HIPAA 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, in which case HIPAA permits the disclosure.

*Remember to check state laws for additional privacy requirements.



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](#).



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