



# CLIENT ADVISORY

## December 2007

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### **HIPAA UPDATE**

We have included below several interesting items regarding HIPAA compliance.

#### **Photographs of Patients**

Can an institution release photographs of patients who are using a vendor's product to the vendor for marketing purposes?

An institution may release patients' photographs to the vendor if patients' faces do not appear in the photographs. However, it is recommended that the institution obtain the consent of the patient since the photographs will be used for marketing purposes.

#### **Medical Studies**

An Associated Press article recently reported that a survey of approximately 1,500 epidemiologists conducted by the Institute of Medicine noted that two-thirds of respondents stated that HIPAA has made "research more difficult". The survey reveals that one in nine researchers abandon research ideas because they feel the research idea would not be approved because of HIPAA. In addition, researchers believe that HIPAA makes it harder to recruit patients and use their medical records.

This survey was sent via email to epidemiology societies. Therefore, a respondent could have answered the survey more than once, which may have affected the survey results.

#### **Training Clergy**

Dayton's Rhea Medical Center and the Dayton Ministerial Association have teamed up to train clergy to comply with HIPAA requirements when visiting area hospitals. The idea is to train everyone involved in a patient's care about HIPAA requirements and to comply with HIPAA expectations. Clergy and volunteers who complete the HIPAA training receive identification badges recognized at area hospitals. Patients will complete a form upon admission stating if they wish to see a member of the clergy and if they want their religious affiliation listed in the patient directory.

For more information please contact Popovits & Robinson at 708/479-3230.

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