

## **HEALTHCARE PRIVACY LAWS AND DOMESTIC VIOLENCE VICTIMS**

**This document, created by the End Domestic Abuse Wisconsin — Wisconsin Coalition Against Domestic Violence — Legal Department, does not constitute legal advice.**

### **Domestic Violence and Health Laws [state and federal laws]**

The Family Violence Prevention Fund has published a [compendium of state laws](#) which apply to domestic violence victims seeking health care. This compendium has information on each state's laws as well as information on federal laws.

### **Health Insurance Portability and Accountability Act of 1996 [federal law]**

The Health Insurance Portability and Accountability Act (HIPAA) is a federal privacy law which prevents health professionals (health plans, healthcare clearinghouses, and healthcare providers) from releasing personally identifiable information. HIPPA covers information about:

- 1) the individual's past, present or future physical or mental health or condition, OR
- 2) the provision of health care to the individual, or the past, present, OR
- 3) future payment for the provision of health care to the individual,

AND that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual. [45 C.F.R. § 160.103](#).

For more information about HIPPA and its implications, visit the United States Department of Health and Human Services' [website](#).

### **Wisconsin Health Care Records and Confidentiality**

In addition to being subject to HIPPA, the State of Wisconsin also has its own law requiring patient health care records to be kept confidential: Wisconsin Statute [146.82](#).

For information and resources (including release forms) on health care privacy in Wisconsin, visit the HIPPA Collaborative of Wisconsin's [website](#).

### **HIPPA Privacy Laws and Domestic Violence Programs**

VAWNET, a national resource center for materials related to violence against women, has published an inventory of materials related to HIPPA obligations and domestic violence programs. The materials are from a conference call sponsored by the Family Violence Prevention Fund and are available [here](#).

### **Reporting Domestic Violence Under HIPAA**

HIPAA requires health professionals to maintain the privacy of information surrounding individuals whom have sought care, but the law does permit certain disclosures when domestic violence is involved. Both the National Center on [Domestic and Sexual Violence](#) and the [National Network to End Domestic Violence](#) (see page 5) have published pieces which examine HIPPA and domestic violence disclosures.

### **HIPPA Authorization for Use and Disclosure**

An individual may authorize another entity to use and disclose information related to their health.

To access a HIPPA Authorization for Use and Disclosure for Medicaid Patients, click [here](#).

If you are not a Medicaid patient, you can fill out an [Authorization for Use and Disclosure form](#) created by the HIPPA Collaborative of Wisconsin.