

Chapter 4 | Privacy and Security

Special Privacy Considerations

Patients with special privacy considerations include:

- Celebrity patients
- Patients who are USC employees
- Patients with particularly sensitive diagnoses, including HIV, mental health treatment, and substance abuse issues.
- LGBT community

USC employees should not discuss these patients with anyone who is not directly involved in the patient's care, including:

- The media (celebrity patient requests should be forwarded to USC Public Relations)
- Family or friends
- Other employees
- The patient's representatives, unless the patient has authorized such release

Staff should be especially careful not to discuss patients on elevators or in other public areas

Special Privacy Considerations

Q: Is a patient's sexual orientation, gender identity, or lesbian, gay, bisexual, and transgender (LGBT) status confidential patient information?

A: Transgender patients especially are often the victims of privacy breaches, where staff or providers might feel the need to “warn” the patient's roommate about the patient's transgender status, or invite other staff or providers to come see the patient.

These privacy violations are not only unethical and illegal, but add to the high levels of discrimination transgender people already face in accessing healthcare, and discourage these patients from continuing or returning to seek care.

Chapter 4 | Privacy and Security

Special Privacy Considerations

HIPAA protects the privacy of individually identifiable health information, including information related to a person's LGBT status

- Information about a patient's sexual orientation and gender identity is an essential part of a person's medical history and very relevant to the provision of healthcare
- Information regarding a patient's transgender status, such as diagnosis, medical history, birth-assigned sex, or anatomy, constitute PHI
 - Such information should not be disclosed to anyone—including family, friends, and other patients—without the patient's consent
 - This information should also not be disclosed to medical facility personnel unless there is a medically relevant reason to do so
 - Remember Minimum Necessary Rule
 - If this information is shared solely for purposes of gossip or harassment, it is a violation of HIPAA
- Comfortable dialogue about a patient's identity and relationships can help to focus a provider's inquiries, personalize professional advice and assistance, and generate an overall higher quality of care