

## Medical Models and HIPAA

SART Listserv  
November 2006

*States are listed as a point of reference rather than as a statewide perspective.*

**Issue:** Advocacy Best Practices for adult multidisciplinary teams that work within a medical model.

**Background:** The Rape Crisis Center is essentially a child advocacy center that is funded through the local hospital. The child advocacy center also serves adults. With this being a medical model, the advocates have run into problems with HIPAA. Does anyone have information on best practices?

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### Utah

- Our local Emergency Departments call Advocates and notify them of a "sexual assault" case. (No identifying information)
- This allows advocates to respond to the facility without breaking confidentiality.
- Victims are informed that advocates are present and available to assist them if they desire.
- Advocates learn victim's identity only when the victim consents.
- By activating advocates and then giving patients choices, relieves victims of any distress about calling advocates in the middle of the night. (Patients are often concerned about "bothering someone".)
- Law Enforcement Dispatchers can also activate on-call advocates to the forensic examination site.

### Louisiana (New Orleans)

- There should not be a HIPAA "problem" with activating advocates.
- If advocates understand HIPAA (receive education about the law) and sign a confidentiality statement, then they would be in that 'need to know' loop and would be considered a part of the health care team.

### Georgia (Duluth)

- Program includes a child advocacy center & sexual assault center in a free-standing facility (all forensic-medical examiners are on site).
- No HIPAA issues.

### California (Sacramento)

- Some hospitals feel that it violates HIPAA to call an advocate to respond to the hospital for a sexual assault exam.
- HIPAA may be a mechanism to exclude advocates where the relationships between forensic examiners and advocates have been strained.
- Fortunately most counties in CA have had only minor modifications under the HIPAA regulations.

### Florida (Pinellas Park)

- Adult model
- No HIPAA issues.
- Most clients don't want the advocate in the exam room during the exam.