

Background/Rationale

While health-related social needs (HRSN) screening is foundational to identifying and addressing patient unmet HRSN, the collection of this new type of data—especially when documented in medical records—may expose patients and their families to certain risks. Existing research highlights, for example, potential negative impacts on patients, providers, and the patient-provider relationship from asking sensitive questions without meaningful follow-up (e.g., providing support for identified needs). The topic of safe, equitable screening is especially timely as HRSN screening is increasingly integrated into health care delivery, including as a result of evolving federal and state regulations. Policy and practice considerations that take the potential for unintended consequences into account are critical to minimizing harm.

The Center for Health Law and Policy Innovation of Harvard Law School (CHLPI) recently completed a project focused on a particular area of concern: unsafe or otherwise unwanted uses and disclosures of social risk information outside of the patient-provider relationship. For this initiative, CHLPI combined legal research with discussion with interdisciplinary stakeholders such as health system staff, legal experts, and academics. A forthcoming resource answers key questions about privacy law and social risk information and identifies actionable solutions.

Learning Objectives

- Develop or strengthen one’s lay understanding of how patient privacy law plays out with respect to HRSN information (e.g., patient rights, the circumstances in which third party disclosures are permitted under federal privacy law, and related boundaries)
- Identify and discuss potentially high-risk scenarios involving unsafe or otherwise unwanted uses and disclosures of social risk information
- Review and discuss strategies to minimize harm from both “Big P” policy (i.e., governmental) and “small p” policy (i.e., institutional) perspectives

Agenda Description

This workshop will draw on legal and programming expertise to explore potentially harmful uses and disclosures of HRSN information when collected by health systems and strategies to minimize risk. Our proposal for the Workshop is a collaborative presentation by CHLPI and two of the health systems that informed our findings:

- Dr. Zoe Bouchelle is a pediatrician at Denver Health, a health services researcher, and a Faculty Scholar at the Children’s Hospital of Philadelphia PolicyLab. Her research focuses on addressing HRSN within health systems and through upstream policy interventions. Her research and commentary has examined the ethics of HRSN screening in the pediatric setting, with a particular focus on the implications of documentation and data sharing.
- The Boston Medical Center Child Protection Team is a multidisciplinary team of physicians and social workers who strive to address child maltreatment using a diversity, trauma-, and justice-informed framework for collective decision-making. They support the approach that the ability of a caregiver to access and obtain services to meet the needs of a child is a protective factor and any barrier or deterrent to accessing those services, such as the fear or threat of mandated reporting, negatively impacts children’s wellbeing.

Participant Interactivity

Participants will be encouraged to share their own experiences at the intersection of HRSN screening and patient privacy, including challenges and opportunities. Participants will also have an opportunity to ask questions.