

## **Do Police Have Access to Medical Records After a DWI Accident?**

If you were involved in a DWI-related accident, do the police have access to your blood samples and medical records?

The answer is: It depends. Whether or not the authorities may view your medical records is dependent on certain factors, such as if you gave them your permission to do so, or if they have probable cause to obtain a search warrant for those test results or records.

### **Privacy Laws**

Throughout the United States, numerous laws have been set in place to protect an individual's right to privacy—particularly when it comes to law enforcement and medical records. These include:

- The [Fourth Amendment](#) – A law that protects you from any unreasonable search and seizure by the police. This includes protection from a search of your person, vehicle, and medical records.
- The Health Insurance Portability and Accountability Act ([HIPAA](#)) – A law that basically states that your permission is needed before anyone can be given access to your medical records.

### **Access to Your Medical Records**

While you do have the right to privacy and protection thanks to the abovementioned laws, it is important to note that this protection is not absolute. The police may have [probable cause](#) to believe that you were under the influence of alcohol or drugs at the time of the accident, particularly if the accident was on the severe side.

Generally, hospital records are considered very confidential. If the police ask you for permission to view your medical records and you grant them this permission, then anything written or contained within those records may be used as evidence against you in court later on.

These records may, however, also be subject to police access with a valid search warrant based on probable cause that the results may be relevant to a criminal investigation. In such situation, the police may take information to a judge, who will then sign a warrant to obtain a copy of your medical records.

The likelihood of the police being granted a warrant is dependent on how much they believe that a DWI or crime was committed, and if they believe the crime was serious enough to go through the process of obtaining a warrant. If another individual was injured in the accident, it is highly probable that the police will go after your test result, particularly if they plan on charging you for DWI.

If these test results or records reveal that you were in fact intoxicated at the time of the accident, then you may be facing some serious legal consequences.

### **Seeking Legal Help from a DWI Attorney**

If you were driving under the influence of alcohol or drugs and caused an accident, you may be facing very serious legal trouble. If you have reason to believe that your private blood test results or medical records may contain evidence to be used against you, contact an experienced DWI lawyer right away. You may be able to challenge any warrant issued with proper legal assistance.

Douglas T. Kans is the owner of Kans Law Firm, LLC. He and his firm have been successfully defending DWI related charges throughout the state of Minnesota for over 20 years. For more information, please visit <http://www.dwiminneapolislawyer.com>