

Health Privacy



HEALTH PRIVACY NOTICES

I hear my friends talk about “hippa” and when I went to my doctor they gave me a written notice to sign saying I received it. What is this all about?

New health privacy regulations are the result of a law passed by Congress in 1996 called the Health Insurance Portability and Accountability Act (HIPAA). These new standards protect health information when used or maintained by health care providers, health insurance companies, and government programs that pay for health care such as Medicare and Medicaid. Protected Health Information (PHI) includes your name, birth date, address, identification numbers, details of your past, present, or future medical condition and related health care services. PHI can be on paper, in computers, or communicated orally.

You will receive privacy notices from many health providers including doctors, hospitals, pharmacies, nursing homes, health plans, and insurance companies. Read these notices carefully so you know how your information is used and shared. If you do not understand something in the notice, ask questions. Not all health

care providers are required to comply with the privacy rules. If you do not receive a privacy notice, ask why.

Health providers are required to make a “good faith effort” to get you to acknowledge that you received the notice by obtaining your signature. However, your signature is not required, and signing does not waive or give up rights provided by the law.

To promote the best quality of care, the regulations allow sharing of PHI for treatment and care coordination, to pay for health care services, and for required public safety and health reports.

However, your authorization is required before PHI can be given to your employer or used for marketing purposes. Also, private notes about mental health counseling sessions cannot be shared without your written permission.

PRIVACY PROTECTIONS

What can I do to protect my health privacy?

- Before you sign authorization forms, find out to whom you may be releasing the information and for what purpose. Rather than sign a “blanket waiver,”

edit the form to limit what information is shared and with whom. Initial and date revisions. A request to restrict sharing of your records can be denied by the health care provider.

- Discuss confidentiality concerns with your health care provider. If you want a specific condition to be withheld from your family, employer, and/or insurance company, provide a written request (although the request may be denied). You may need to pay directly and forego insurance reimbursement.

- Find out who has accessed your health information. HIPAA requires that providers keep a log of disclosures of your PHI, although records for treatment, payment, or health care operations can be excluded.

- Let health care providers know how to communicate with you. Perhaps you do not want calls made to your place of employment or left on an answering machine. Ask for information to be mailed rather than faxed. If you communicate by e-mail make sure the information is secure.

- If you are admitted to a hospital and listed in a hospital directory ask who can see this information. You may want to “opt out” of being included.

- If you participate in health screenings, find out how the information collected will be used. Watch for authorization forms releasing your medical information to businesses that have products to sell. You may withdraw your authorization if you later decide you made the wrong choice.

- If you use the Internet to seek out information or participate in health forums or “chat” rooms about specific diseases or health conditions the information you share may not be confidential. Always review the privacy policy of any Web sites.

MEDICAL RECORDS

What is in my medical records?

Medical records are created when you receive treatment from a health professional. Records may include your medical history, details of your lifestyle, family medical history, laboratory test results, medications prescribed, and the results of surgery and medical procedures.

Can I see my medical records?

Under the new regulations, you have the right to see and copy your medical records in most cases. A health care provider must provide copies within 30 days of your request for a reasonable fee. If you find errors, records can be corrected. Check the provider’s privacy notice or ask how you can correct or amend the records.

What is the Medical Information Bureau (MIB)?

The Medical Information Bureau, a non-profit association serving the life and health insurance industry, is not subject to HIPAA regulations. MIB has records on only about 20 percent of consumers with serious medical conditions or other factors that affect life expectancy. If you have not applied for individually underwritten life, health, or disability insurance during the preceding seven year period, MIB will not have a record on you. If you have an MIB file, you have the right to see it and make sure it is correct. A copy of your file can be requested annually without charge.

Medical Information Bureau
P.O. Box 105 Essex Station
Boston, MA 02112
1-866-692-6901
www.mib.com

PRIVACY RIGHTS

What if my health privacy rights are violated?

Every health care provider and health plan covered by HIPAA must appoint someone on their staff as a privacy officer. The name and contact information must appear in their privacy notice. Contact this person to resolve problems.

File complaints with the Office for Civil Rights (OCR) of the U.S. Department of Health and Human Services within 180 days

of when the violation occurred. For assistance, call 1-800-368-1019. A *Health Information Privacy Complaint Form* can be downloaded from the OCR Web site below. Written complaints must include: 1) a description of the violation; 2) your name, address, phone, and e-mail address; and 3) the name, address, and phone number of the person or organization you believe violated your rights. Iowa residents must send the form or letter to:

Office for Civil Rights
U.S. Dept. of Health & Human Services
601 East 12th St. – Room 248
Kansas City, MO 64106
816-426-7278
Fax: 816-426-3686
e-mail: OCRComplaint@hhs.gov

FOR MORE INFORMATION

U.S. Dept. of Health & Human Services
Office for Civil Rights
200 Independence Avenue, SW
Washington, DC 20201
866-627-7748
www.hhs.gov/ocr/hipaa

Health Privacy Project
Georgetown University
1120 19th Street NW, 8th Floor
Washington, DC 20036
202-721-5614
www.healthprivacy.org

Privacy Rights Clearinghouse
3100 5th Avenue, Suite B
San Diego, CA 92103
619-298-3396
www.privacyrights.org

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... and justice for all

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Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964.

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