

WHAT YOU CAN DO TO PROTECT YOUR PRIVACY

April 10, 2003

The new federal health privacy regulation issued by the U.S. Department of Health and Human Services (HHS) gives people new ways to protect their privacy and to learn about how health care providers and health plans use and disclose health information. To read a summary of the regulation, including your new federal rights, visit the Health Privacy Project Web site at <http://www.healthprivacy.org>. To access the text of the regulation, visit the HHS Office for Civil Rights Web site at <http://www.hhs.gov/ocr/hipaa>.

Read notice of privacy practices carefully

As of April 14, 2003, the federal health privacy regulation will require most health care providers and health plans to begin to provide you with a written notice explaining how they use and disclose your medical information and what your new federal rights are. Read these notices carefully so that you are aware of the types of uses and disclosures of your information that may be made. Many uses and disclosures are permitted without your permission. If you do not understand something in the notice, ask questions.

Talk about confidentiality concerns with your doctor

Your health care provider should be able to help you understand how your health information will be used or disclosed, and may be able to offer additional assurances of confidentiality. For example, some providers keep treatment notes separate from the general medical chart to help ensure that the most sensitive information remains confidential. Your provider may also be able to help you understand the current limits of confidentiality, such as what kinds of information he or she is required to provide for insurance purposes. As of April 14, 2003, you will have a federal right to request that your health care provider or health plan restrict uses or disclosures of your medical information made for purposes of treatment, payment or health care operations. The provider or plan is not required to agree to the restriction. However, if the provider or plan agrees to the restriction, it must abide by that agreement, except in emergency circumstances. You will also have a right to request that your provider or health plan communicate with you only in certain ways or at certain locations. To learn more about these new rights, see the resources mentioned above.

Ask how your medical information is shared in a large health care organization

If your health care provider is part of a large health care organization, ask how your information may be shared within the organization and whether it will be shared with affiliates and subsidiaries.

Read authorization forms before you sign; edit them to limit the sharing of information

Before you sign any forms find out to whom you are authorizing the release of your medical records and for what purpose. By revising the authorization form, you may be able to limit how much information is disclosed and to whom it is disclosed (or redisclosed). Be sure to initial and date your revisions.

Register your objection to disclosures that you consider inappropriate

Registering objections may not result in immediate change, but sharing your concerns will help to educate your providers, plans, and others seeking health information. These entities should be aware that lack of privacy impacts how you seek and receive your health care. If, after April 14, 2003, you think your provider or plan has violated the federal privacy regulation, file a complaint with the provider and/or plan. If you are not satisfied with the results, you can contact the U.S. Department of Health and Human Services.

Request a copy of your medical record

Beginning April 14, 2003, individuals in all states will have a right to inspect and obtain a copy their records under the new federal health privacy regulation. Currently, about half the states give individuals a legal right to inspect and copy their medical records.

Review your records

Review your medical records carefully to ensure that the information is correct. You should request amendments or corrections if you discover erroneous information in your records. Beginning April 14, 2003, individuals in all states will have a right to amend their medical records.

Request a copy of your file from the Medical Information Bureau

The Medical Information Bureau (MIB) is a membership organization of more than 600 insurance companies. When applying for insurance, you may be authorizing the insurance company to check your records with MIB to verify that the information you have provided is accurate. MIB does not have a file on everyone. MIB reports are compiled on those with serious medical conditions or other factors that might affect longevity, such as affinity for a dangerous sport. If MIB has a file on an individual, that person has a right to see and correct the file. To obtain a copy of your file, contact MIB INC., P.O. Box 105, Essex Station, Boston MA 02112; Tel: 617-426-3660; <http://www.mib.com>.

Be cautious on health web sites

When providing personal information for "surveys," health screenings or on medical information web sites, be cautious about how much information you provide. Look for and read privacy policies before using the site. Ask how the information will be used and who will have access to it. Ask whether the site is required to comply with the new federal health privacy regulation.