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Patient Privacy and HIPAA

Have you ever wondered why you have to repeat your medical history to every provider you encounter in the health care system? It can be annoying – even frustrating – but there is a good reason.

Why can't providers share information, even within the same clinic system? Wouldn't it be efficient to have a comprehensive electronic medical record that any provider could access – with your permission – regardless of where your appointment is? Such a record could include all the significant details about your health, family medical history, medications, immunizations, and more. What's more, you could input information about your general health, lifestyle, and eating habits, allowing your doctor to more easily access your risk for becoming ill and start you on preventive therapies.

Some people find the above scenario to be the ultimate futuristic medical system that improves the quality of care for patients. Others, however, imagine faceless bureaucrats sharing

private information with employers and insurance companies, who will be quick to determine high-risk individuals. Even worse, what if extremely personal medical information found its way onto the Internet or some other easily accessible public medium?

In fact, many health care organizations currently have the technology available to implement the type of system previously described. However, the most important thing you need to know is what precautions are in place to protect your privacy. You can find out by talking to your health plan's member services department, your doctor, or your clinic administrator. They can describe the precautions their organizations take to ensure your privacy. In addition, health care organizations and other related entities are currently implementing new privacy rules.

Rules for Patient Privacy

The trust that patients place in their health care provider is critical to receiving high-quality health care. Patients trust their doctor with information they may not share with

anyone else. However, with the emergence of technology and electronic databases, patients are increasingly concerned about sharing information if people other than their physicians could potentially access it.

Concerns over the security of confidential medical information are legitimate. Health care organizations across the country lack consistent policies and practices for protecting the confidentiality of personal health information. To help eliminate these inconsistencies, the federal government developed standards for patient privacy. These rules are part of the administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).



The privacy rules set forth by HIPAA are the first national standards for protecting health information. These rules are the result of increasing public concern about the use and disclosure of health and other personal information as technology makes access to all types of records much easier. The rules are intended to protect and enhance the rights of consumers regarding their health information, control the inappropriate use of medical records, and improve the quality of health care in the U.S. by restoring trust in the health care system.

HIPAA Privacy Rules

Five basic principles govern the HIPAA privacy rules:

- **Consumer Control** – Patients have new rights to control the release of their medical information.
- **Boundaries** – With few exceptions, a patient's health information should be used for health purposes only. Other uses must be kept to the minimum necessary for a specific purpose.
- **Accountability** – There are specific federal penalties for people and organizations that violate the HIPAA privacy regulations. The penalties range from a \$100 fine per violation for disclosures made in error, to up to \$250,000 and 10 years in prison for malicious use of medical records.

- **Public Responsibility** – HIPAA provides standards for how medical information should be released for public health, research, fraud and abuse investigations, and quality assessment purposes.
- **Security** – Health care organizations must establish clear procedures to protect patients' privacy.

To learn more about how your health plan or health care provider will comply with the HIPAA privacy rules, contact your health plan's member services department, your physician, or your clinic administrator. For general information about HIPAA, please visit www.hhs.gov/ocr/hipaa.

Did you know...?

Providers can share patient information with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public – consistent with applicable law and the provider's standards of ethical conduct.