

Privacy and Confidentiality

Health Information Privacy

Most of us feel that our health information is private and should be protected. That is why there is a federal law that sets rules for health care providers and health insurance companies about who can look at and receive our health information. This law, called the Health Insurance Portability and Accountability Act of 1996 (HIPAA), gives you rights over your health information, including the right to get a copy of your information, make sure it is correct, and know who has seen it.

Get It.

You can ask to see or get a copy of your medical record and other health information. If you want a copy, you may have to put your request in writing and pay for the cost of copying and mailing. In most cases, your copies must be given to you within 30 days.

Check It.

You can ask to change any wrong information in your file or add information to your file if you think something is missing or incomplete. For example, if you and your hospital agree that your file has the wrong result for a test, the hospital must change it. Even if the hospital believes the test result is correct, you still have the right to have your disagreement noted in your file. In most cases, the file should be updated within 60 days

Know Who Has Seen It.

By law, your health information can be used and shared for specific reasons not directly related to your care, like making sure doctors give good care, making sure nursing homes are clean and safe, reporting when the flu is in your area, or reporting as required by state or federal law. In many of these cases, you can find out who has seen your health information.

You can:

Learn how your health information is used and shared by your doctor or health insurer. Generally, your health information cannot be used for purposes not directly related to your care without your permission. For example, your doctor cannot give it to your employer, or share it for things like marketing and advertising, without your written authorization. You probably received a notice telling you how your health information may be used on your first visit to a new health care provider or when you got new health insurance, but you can ask for another copy anytime.

Let your providers or health insurance companies know if there is information you do not want to share. You can ask that your health information not be shared with certain people, groups, or companies. If you go to a clinic, for example, you can ask the doctor not to share your medical records with other doctors or nurses at the clinic. You can ask for other kinds of restrictions, but they do not always have to agree to do what you ask, particularly if it could affect your care. Finally, you can also ask your health care provider or pharmacy not to tell your health insurance company about care you receive or drugs you take, if you pay for the care or drugs in full and the provider or pharmacy does not need to get paid by your insurance company.

Ask to be reached somewhere other than home. You can make reasonable requests to be contacted at different places or in a different way. For example, you can ask to have a nurse call you at your office instead of your home or to send mail to you in an envelope instead of on a postcard.

If you think your rights are being denied or your health information is not being protected, you have the right to file a complaint with your provider, health insurer, or the U.S. Department of Health and Human Services.

Your Medical Records

The Privacy Rule gives you, with few exceptions, the right to inspect, review, and receive a copy of your medical records and billing records that are held by health plans and health care providers covered by the Privacy Rule.

Access

Only you or your personal representative has the right to access your records. A health care provider or health plan may send copies of your records to another provider or health plan as needed for treatment or payment or as authorized by you. However, the Privacy Rule does not require the health care provider or health plan to share information with other providers or plans.

Charges

A provider cannot deny you a copy of your records because you have not paid for the services you have received. Even so, a provider may charge for the reasonable costs for copying and mailing the records. The provider cannot charge you a fee for searching for or retrieving your records.

Provider's Psychotherapy Notes

You do not have the right to access a provider's psychotherapy notes. Psychotherapy notes are notes taken by a mental health professional during a conversation with the patient and kept separate from the patient's medical and billing records. The Privacy Rule also does not permit the provider to make most disclosures of psychotherapy notes about you without your authorization.

Correcting information

If you think the information in your medical or billing record is incorrect, you can request that the health care provider or health plan amend the record. The health care provider or health plan must respond to your request. If it created the information, it must amend the information if it is inaccurate or incomplete. If the provider or plan does not agree to your request, you have the right to submit a statement of disagreement that the provider or plan must add to your record.

Family Members and Friends

The Privacy Rule does not require a health care provider or health plan to share information with your family or friends, unless they are your personal representatives. The law does permit providers and plans to share information with them in certain circumstances.

A health care provider or health plan may share relevant information with family members or friends involved in your health care or payment for your health care, if you tell the provider or plan that it can do so, or if you do not object to sharing of the information.

- For example, if you do not object, your doctor could talk with the friend who goes with you to the hospital or with a family member who pays your medical bill.

A provider or plan may also share relevant information with these persons if, using its professional judgment, it believes that you do not object.

- For example, if you send your friend to pick up your prescription for you, the pharmacist can assume that you do not object to their being given the medication.
- When you are not there or when you are injured and cannot give your permission, a provider may share information with these persons when it decides that doing so would be in your best interest.

For more information regarding your privacy right go to the U.S. Department of Health and Human Services Office for Civil Rights.