

patientprivacyrights

Health Privacy Rights

Health Privacy "Rights" Under HIPAA

- Receive notice of how providers *use and share your information* with over 4 million "covered entities", without asking you ("Privacy Notice" or "Notice of Privacy Policies").
- Uses and disclosures not described in the NPP are only given with authorization and authorization may be revoked at any time by an individual (patient).
- Types of uses and disclosures that require authorization by an individual include disclosures of PHI (Patient Health Information) for marketing purposes, disclosures that constitute a sale of PHI, PHI that include psychotherapy notes for most uses and disclosers, and disclosures to other entities not considered "covered entities".
- If fundraising by the covered entity is anticipated, a statement that PHI will be used and disclosed for fundraising purposes will be provided and the individual has an option to opt out.
- Individuals have the right to restrict disclosure of PHI to health plans where the individual pays out of pocket in full for the health care items or service and the covered entity disclosing the PHI is a health care provider.
- A health plan is prohibited from using genetic information of an individual for underwriting purposes.
- Affected individuals have the right be notified of any breach or possible breach of PHI.
- The right to a copy of your health records. The provider may charge a "reasonable fee" for such copies.
- You can request changes to your health records. *The provider does NOT have to make the changes requested. Your changes must be added to your records and the provider has to state reasons s/he disagrees with changes.*
- You can request an accounting of disclosures of your health information. *Most disclosures do not require consent and have no audit trails. Audit trails are required only for disclosures for "non-routine" uses.*
- Health establishments and "covered entities" are required to secure information to the best of their ability, and a privacy official must be designated by each "covered entity."

- The ADA prohibits an employer from asking about health information or requiring a physical prior to an offer if they have more than 15 employees. After the offer is made, the employer may require a medical exam if it is required by all employees with similar positions. Employers may also ask employees to authorize disclosure of their medical records. *But, if the employer is self-insured they can access their employees' medical information without consent.*

Job discrimination is the most common complaint sent into Patient Privacy Rights.

Health Privacy Rights You Should Have

- Right to control who can see, use, share and sell your health information.
- Right to feel safe talking truthfully to your doctors.
- Right to privacy and control of health information unless otherwise stated or required by law.
- Right to audit trails of every disclosure of health information. Health IT makes it easier than ever to know exactly who has your information.
- Right to EHR and PHR systems that have the highest standards for security (keep hackers out).
- Right to participate in research and have researchers access your records ONLY if you give informed consent
- Right to segment sensitive information such as mental health, addiction or STDs, in your health record.
- Right to obtain prescriptions with privacy; no one should be able to use or sell your prescriptions without your consent.
- Right to obtain employment, insurance, credit, admission to schools, etc. without being compelled to share health information unless required by statute.

These rights are based on thousands of years of medical ethics, our own Constitution and state laws. None of these rights are provided by HIPAA.

Patient Privacy Rights is working to ensure these rights are guaranteed by Congress.

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