

HIPAA: New Federal Regulations Governing Patient Privacy

Why are privacy protections needed?

- Increasing public concern about loss of privacy
- Broad availability of information stored and exchanged in electronic format
- Concerns about genetic information
- A conflicting patchwork of state laws

Exchanging Health Information in the 21st Century

Source: Health Privacy Project

HIPAA

The Privacy Rule of the **Health Insurance Portability and Accountability Act of 1996 (HIPAA)** establishes comprehensive protections for medical privacy.

The Privacy Rule governs a provider's use and disclosure of health information and grants individuals new rights of access and control. The regulation also establishes civil and criminal penalties for violations of patient privacy.

The Privacy Rule is founded on two very basic principles:

- Health information belongs to the patient.
- Patients have a right to know how their information is being used.

Under the Privacy Rule, patients have the following new rights:

- Receive a Notice of Privacy Practices from their provider
- Access, inspect and copy their medical records
- Request corrections to their medical record
- Request special accommodations on how their health information is communicated (such as alternate addresses and phones)
- Request restrictions on how their information is used
- Receive an accounting of non-routine disclosures
- "Opt-out" of inclusion in facility directories and fundraising efforts
- File a complaint to the institution and to the federal Department of Health and Human Services

HIPAA: The Terminology

"Covered Entities" are the groups or individuals who have to comply with the law*

- Health plans
- Health care clearinghouses
- Health care providers who conduct electronic transactions related to third-party billing.

*Regulations also apply to vendors who perform a business function using the covered entity's patient information.

The Privacy Rule Governs Protected Health Information (PHI)

PHI is any information that is:

- Created or received by a covered entity; and
- Relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or payment for the provision of health care to an individual and which:
 - identifies the individual; or
 - offers a reasonable basis for identification of the individual

The law establishes rules about the use and disclosure of PHI

- “Uses” take place within the organization holding the medical information.
- “Disclosures” are releases to parties external to the organization.
- The informed consent form must include required statements about privacy protections.
- HIPAA requires new approval criteria for database studies and retrospective chart reviews.

The “Take-Home” Message

- Remember that patient information ultimately belongs to the patient, not the provider.
- Our commitment to patient care includes a commitment to respecting patients’ rights of privacy.

Proposed Benefits of the Privacy Rule

- The Privacy Rule establishes the first comprehensive federal protections for health information.
- Patients will have increased access and control over their records.
- The Privacy Rule supports the creation of new electronic standards that will make health care billing more efficient.
- The Privacy Rule strikes a balance between individual rights and the need for information in public health and research.

New privacy rights for patients went into effect
on April 14, 2003

I have read and have an understanding of the above information regarding the new HIPAA legislation. It is my responsibility to ensure that patient’s rights to privacy are upheld during and after any and all interpretation assignments. Violation of this Privacy Rule will result in the termination of my contract with The Language Connection, LLC, and may result in charges against myself as an independent contractor.

Contractor’s Signature