

The Health Insurance Portability and Accountability Act (HIPAA) of 1996, includes important new, but limited, protections for millions of working Americans and their families. HIPAA may:

- Increase your capability to get health coverage for yourself and your dependents if you start a new job;
- Lower your chance of losing existing health care coverage, whether you have that coverage through a job, or through individual health insurance;
- Help you maintain continuous health coverage for yourself and your dependents when you change jobs; and
- Help you buy health insurance coverage on your own if you lose coverage under an employer's group health plan and have no other health coverage available.

Among its specific protections, HIPAA:

- Limits the use of pre-existing condition exclusions;
- Prohibits group health plans from discriminating by denying you coverage or charging you extra for coverage based on your or your family member's past or present poor health;
- Guarantees certain small employers, and certain individuals who lose job-related coverage, the right to purchase health insurance;
- Guarantees, in most cases, that employers or individuals who purchase health insurance can renew the coverage regardless of any health conditions of individuals covered under the insurance policy.

In summary, HIPAA may lower your chance of losing existing coverage, ease your ability to switch health plans and/or help you buy coverage on your own if you lose your employer's plan and have no other coverage available.

HEALTH PRIVACY CHECKLIST FOR CONSUMERS

□ **Learn about the privacy protections in your state**

Review the reports and articles available through the Health Privacy Project (<http://www.healthprivacy.org/resources>), especially "The State of Health Privacy: An Uneven Terrain (A Comprehensive Survey of State Health Privacy Statutes)". Look up your state and see what rights and protections you have. New Federal regulations were finalized in December 2000 but health care organizations are not required to comply until 2003. Under the proposed regulation, stronger state laws will continue to stand.

□ **Request a copy of your medical record**

Currently, 28 states give individuals a legal right to inspect and copy their medical records. Even if your state does not provide such a legal right, you may be able to inspect and copy your record upon request.

□ **Request a copy of your file from the Medical Information Bureau**

The Medical Information Bureau (MIB) is a membership association 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 usually compiled on those with serious medical conditions or other factors that might affect longevity, such as affinity for dangerous sport. If MIB has a file on an individual, that person has a right to see and correct the file. MIB, Inc., P.O. Box 105, Essex Station, Boston, MA 02112 Tel: (617)426-3660, Fax: (781)461-2453, www.mib.com

□ **Talk About Confidentiality Concerns with your Doctor**

Your health care provider should be able to help you understand the uses of your health information and should be able to offer certain assurances of confidentiality. For example, some providers may keep treatment notes separate from the general medical chart to help ensure that the most sensitive information remains confidential. Your provider should also be able to help you understand the current limits of health information confidentiality, such as what kinds of information he or she is required to provide for insurance or public health purposes.

□ **Read authorization forms before signing and 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 purposes. You may be able to limit distribution and restrict secondary disclosures of the information by revising the authorization form. Be sure to initial and date your revisions.

□ **Register objections 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 the lack of privacy affects how you seek and receive your health care. If you feel that your rights have been violated, contact your state insurance commissioner's office to see what remedies are available.

□ **Be cautious when providing personal medical information for "surveys", health screenings, and health-related websites**

Ask how the information will be used and who will have access to it. Read any posted privacy policies, and know your choices.

HIPAA Law and Its Effect on the Patient



The Health Insurance Portability and Accountability Act (HIPAA) was passed into law in 1996. The law intends to:

- (1) Guarantee health insurance coverage.
- (2) Curtail fraud and abuse in health insurance and the delivery of healthcare.
- (3) Simplify the administration of health insurance.

This brochure provides an overview of the law and its effects on you, the healthcare consumer.

Provided Compliments of:

Dr. _____

Understanding Your Health Record/Information

Every time you visit a hospital, physician, or other healthcare provider, a record of your visit is made. This record typically contains your symptoms, examination and test results, diagnoses, treatment, and a plan for future care or treatment. This information, often referred to as your health or medical record, serves as a:

- basis for planning your care and treatment
- means of communication among the many health professionals who contribute to your care
- legal document describing the care you received
- means by which you or a third-party payer can verify that services billed were actually provided
- a tool in educating health professionals
- a source of data for medical research
- a source of information for public health officials charged with improving the health of the nation
- a source of data for facility planning and marketing
- a tool with which we can assess and continually work to improve the care we render and the outcomes we achieve

Understanding what is in your record and how your health information is used helps you to:

- ensure its accuracy
- better understand who, what, when, where, and why others may access your health information
- make more informed decisions when authorizing disclosure to others

Your Health Information Rights

Although your health record is the physical property of the healthcare practitioner or facility that compiled it, the information belongs to you. You have the right to:

- request a restriction on certain uses and disclosures of your information
- obtain a paper copy of the notice of information practices upon request
- inspect and obtain a copy of your health record
- amend your health record
- obtain an accounting of disclosures of your health information
- request communications of your health information by alternative means or at alternative locations
- revoke your authorization to use or disclose health information except to the extent that action has already been taken

HIPAA MYTHS

Although HIPAA helps protect you and your family in many ways, you should understand what it does NOT do.

- HIPAA does NOT require employers to offer or pay for health coverage for employees or family coverage for their spouses and dependents;
- HIPAA does NOT guarantee health coverage for all workers;
- HIPAA does NOT control the amount an insurer may charge for coverage;
- HIPAA does NOT require group health plans to offer specific benefits;
- HIPAA does NOT permit people to keep the same health coverage they had in their old job when they move to a new job;
- HIPAA does NOT eliminate all use of pre-existing condition exclusions; and
- HIPAA does NOT replace the State as the primary regulator of health insurance.

Here are several important things to remember when you lose or change your health Coverage:

- Do ask for a certificate of creditable coverage when leaving a job or changing health coverage
- Do consider accepting COBRA coverage
- Don't allow a break in health coverage of 63 or more full days in a row
- Do be cautious when converting from a group health plan to individual coverage
- Do shop around for new health coverage



HELPFUL PATIENT REFERENCES

To help you educate yourself about medical privacy issues, we have provided the following list of informative publications and Web sites.

<http://www.hcfa.gov/medicaid/hipaa/>