

Medical Privacy: HIPAA & You as the Patient

WHAT IS HIPAA?

HIPAA, the Health Insurance Portability and Accountability Act of 1996, is a **federal law** that sets **minimum privacy standards** limiting the sharing of medical information. **New York state laws**, such as the **Public Health Law**, add more protection. HIPAA also requires that you be allowed to review **your own medical records**.

Most **doctors, hospitals, clinics**, and other **medical care providers** must follow HIPAA. **Insurance companies**, HMOs, and government programs that pay medical bills, such as **Medicaid** and **Medicare**, must also protect your information under HIPAA.

WHEN CAN MY MEDICAL INFORMATION BE SHARED?

The law allows information to be shared to protect your health or public health and safety. Only the **minimum necessary** information should be shared for specific reasons. For example, in some circumstances, information can be shared with **other doctors, law enforcement, or public health officials**.

You have the **right to a report** in most cases, explaining when and why your medical information was shared; you can ask whoever you believe shared the information for this report for free **once a year**.

Information about your physical or mental health usually CANNOT be shared with your family, friends, or lawyer without your consent.

- **If you would like someone to be able to talk with your doctor about your health, be sure to let the medical care provider know; ask what it requires.**

HOW DO I SEE MY OWN RECORDS?

Just ask! In most cases, you have the right to see your own records. You can also ask that your records be **copied** and **mailed to you**, but you must pay the cost of the copying and mailing.

If you think something is wrong when you review your medical records, you have the right to **ask for the records to be corrected**, and, if the medical facility refuses to change the records, to **write a statement** to be included in your records explaining why you think it is wrong.

Occasionally you can be denied access. You must be given the **basis for the denial** and your **right to review** of the decision by the New York State Medical Records Access Review Committee.

WHAT DO I DO IF I THINK THERE IS A PROBLEM WITH SHARING MY MEDICAL INFORMATION?

Any medical facility, insurance, government program that must follow HIPAA must give you a **privacy notice**. This notice should explain how the facility or program protects your rights, when they may share your information, and how to **file a complaint with the management** if you think there is a problem. You also have the right to file a **privacy complaint with the federal government**. You can contact the United States Department of Health and Human Services at 800-368-1019 or 212-264-3313 or get information on the web at <http://www.hhs.gov/hipaa/filing-a-complaint/index.html>.

DISCLAIMER: This fact sheet gives general information for NYC residents; it is NOT legal advice.