# Medical Privacy: HIPAA & You as the Parent, Child, or Loved One of a Patient

## WHAT IS HIPAA?

HIPAA, the Health Insurance Portability and Accountability Act of 1996, is a **federal law** that set **minimum privacy standards** limiting the sharing of medical information.  **New York state laws**, such as the **Public Health Law**, add more protection.

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

## HOW CAN I SEE MEDICAL INFORMATION FOR MY PARENT, CHILD, OR LOVED ONE?

> **It is usually ILLEGAL to share medical information with family, friends, or lawyers without the patient's consent.  This is because we all, as patients, have rights to protect our privacy.**
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> ➢ **If someone you know would like you to be able to talk with his or her doctor, be sure the patient lets the medical care provider know; ask what it requires.**

You will need at least informal consent of the patient, if not a written **release**, for the doctor or medical facility to be able to share medical information with you.

**Parents of children under 18**, agents legally designated by a **health care proxy**, and others legally authorized to consent to health care generally have access to the patient's medical information.  There are still some legal limitations, so information can still be denied in some circumstances.

> **If your child is over 18, the doctor is usually prohibited by law from giving you medical information unless the child consents.**

## IS THIS THE SAME AS A HEALTH CARE PROXY?

**No.**  A release to share medical information is NOT a health care proxy.  It does NOT authorize you to make health care decisions for the patient.  For information about health care proxies, see the separate MFY Fact Sheet "How Do I Make Sure My Health Care Wishes Are Followed If I Am Incapacitated?"

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