

# 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.**