



patientprivacyrights

Health Privacy Rights

Health Privacy "Rights" Under HIPAA

- Receive **notice** of how providers **use and share** your information with over 4 million "covered entities", **without asking you** ("Privacy Notice" or "Notice of Privacy Policies").
- The right to a copy of your health records. The provider may charge a "reasonable fee" for such copies.
- You can **request changes** to your health records. The provider does NOT have to make the changes requested. Your changes must be added to your records and the provider has to state reasons s/he disagrees with changes.
- You can **request an accounting of disclosures** of your health information. Most disclosures do not require consent and have no audit trails. Audit trails are required only for disclosures for "non-routine" uses.
- Health establishments and "covered entities" are required to **secure information** to the best of their ability, and a **privacy official** must be designated by each "covered entity."
- The ADA prohibits an employer from asking about health information or requiring a physical prior to an offer if they have more than 15 employees. After the offer is made, the employer may require a medical exam if it is required by all employees with similar positions. Employers may also ask employees to authorize disclosure of their medical records. **But, if the employer is self-insured they can access their employees' medical information without consent.**

Job discrimination is the most common complaint sent in to Patient Privacy Rights.

These rights are based on thousands of years of medical ethics, our own Constitution and state laws. None of these rights are provided by HIPAA.

Health Privacy Rights You Should Have

- Right to **control** who can see, use, share and sell your health information.
- Right to **feel safe talking truthfully** to your doctors.
- Right to privacy and control of health information unless otherwise stated or required by law.
- Right to be **notified of any breach** or possible breach of information.
- Right to **audit trails** of every disclosure of health information. Health IT makes it easier than ever to know exactly who has your information.
- Right to EHR and PHR systems that have the highest standards for **security (keep hackers out)**.
- Right to participate in **research** and have researchers access your records **ONLY** if you give informed consent
- Right to **segment sensitive information** such as mental health, addiction or STDs, in your health record.
- Right to obtain **prescriptions** with privacy; no one should be able to use or sell your prescriptions without your consent.
- Right to obtain **employment, insurance, credit, admission to schools**, etc. without being compelled to share health information unless required by statute.

Patient Privacy Rights is working to ensure **these rights** are guaranteed by Congress.