



What does the HIPAA Privacy Rule do?

Question

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Answer

Most health plans and health care providers that are covered by the new Rule must comply with the new requirements by April 14, 2003.

The HIPAA Privacy Rule for the first time creates national standards to protect individuals' medical records and other personal health information.

- It gives patients more control over their health information.
- It sets boundaries on the use and release of health records.
- It establishes appropriate safeguards that health care providers and others must achieve to protect the privacy of health information.
- It holds violators accountable, with civil and criminal penalties that can be imposed if they violate patients' privacy rights.
- And it strikes a balance when public responsibility supports disclosure of some forms of data – for example, to protect public health.

For patients – it means being able to make informed choices when seeking care and reimbursement for care based on how personal health information may be used.

- It enables patients to find out how their information may be used, and about certain disclosures of their information that have been made.
- It generally limits release of information to the minimum reasonably needed for the purpose of the disclosure.
- It generally gives patients the right to examine and obtain a copy of their own health records and request corrections.
- It empowers individuals to control certain uses and disclosures of their health information.

LINK TO GOV INFO

<http://www.hhs.gov/ocr/hipaa/>

LINK TO FAQ @ HHS

[http://answers.hhs.gov/cgi-](http://answers.hhs.gov/cgi-bin/hhs.cfg/php/enduser/std_alp.php?p_sid=ySEcB8Eg&p_lva=&p_li=&p_page=1&p_cat_lv11=7&p_cat_lv12=%7Eany%7E&p_search_text=&p_new_search=1)

[bin/hhs.cfg/php/enduser/std_alp.php?p_sid=ySEcB8Eg&p_lva=&p_li=&p_page=1&p_cat_lv11=7&p_cat_lv12=%7Eany%7E&p_search_text=&p_new_search=1](http://answers.hhs.gov/cgi-bin/hhs.cfg/php/enduser/std_alp.php?p_sid=ySEcB8Eg&p_lva=&p_li=&p_page=1&p_cat_lv11=7&p_cat_lv12=%7Eany%7E&p_search_text=&p_new_search=1)

**FOR SPECIFIC QUESTIONS OR PROBLEMS ON PRIVACY
CONTACT THE PRIVACY OFFICIAL OF THE MEDICAL ENTITY**

What is the difference between “consent” and “authorization” under the HIPAA Privacy Rule?

Question

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Answer

The Privacy Rule permits, but does not require, a covered entity voluntarily to obtain patient consent for uses and disclosures of protected health information for treatment, payment, and health care operations. Covered entities that do so have complete discretion to design a process that best suits their needs.

By contrast, an “authorization” is required by the Privacy Rule for uses and disclosures of protected health information not otherwise allowed by the Rule. Where the Privacy Rule requires patient authorization, voluntary consent is not sufficient to permit a use or disclosure of protected health information unless it also satisfies the requirements of a valid authorization. An authorization is a detailed document that gives covered entities permission to use protected health information for specified purposes, which are generally other than treatment, payment, or health care operations, or to disclose protected health information to a third party specified by the individual. An authorization must specify a number of elements, including a description of the protected health information to be used and disclosed, the person authorized to make the use or disclosure, the person to whom the covered entity may make the disclosure, an expiration date, and, in some cases, the purpose for which the information may be used or disclosed. With limited exceptions, covered entities may not condition treatment or coverage on the individual providing an authorization.