

# HIPAA: The federal government's new privacy standard and what it means to you

Privacy can be a sensitive issue for people, particularly for those who have a chronic disease. The desire for privacy might be even stronger for people with physically visible diseases such as psoriasis. It's not surprising, then, that so many people have taken notice of HIPAA, the federal government's recent attempt to keep private medical information as confidential as possible.

Enacted in April 2003, HIPAA (the Health Insurance Portability and Accountability Act) is designed to protect all private medical information on an individual level by establishing—for the first time—a strict set of medical authorization rules. These rules must be followed by each organization that comes in contact with private medical information, including nonprofit organizations like the National Psoriasis Foundation.

What does this mean? Basically, HIPAA strives to put the power of *your* information in *your* hands. You decide if the use or disclosure of your protected health information should be restricted to certain parties, or disclosed only in certain situations (such as upon accidental injury or death). Your information isn't automatically off-limits; rather, access is granted only with written approval from you (or a legally recognized personal representative).

What information is protected? Anything relating to your past, present or future health or condition (physical or mental), or the conditions or payment of your health-care—if it's "individually identifiable" (contains criteria such as your name, address, birth date, or Social Security Number), it's protected.

Medical information changes hands a number of times in any given situation. Healthcare providers and insurance companies share data with accounting firms, other medical facilities, employers and numerous regulatory entities. Even within a single medical facility, information is often exposed to a wide number of people. HIPAA's purpose is to minimize what data is shared, and to make sure your information is viewed only by those *you personally authorize*.

HIPAA has faced skepticism within the medical community. While it's hard to criticize an act with such obvious benefits, many are dismayed by the inconvenience caused by the strict nature of the new regulations. Some are also offended by the implication that their patients' information was not kept fully confidential in the first place.

"It is a well-intended idea," says Gerald G. Krueger, M.D., professor of dermatology at the University of Utah Medical School and chairman emeritus of the Psoriasis Foundation's Medical Board. Dr. Krueger expresses a reaction that's widespread among the medical community: HIPAA's extra cost and labor may be impractical. "The question is," asks Dr. Krueger, "can the medical community and, as the cost is passed on, society afford this? I don't know."

For healthcare facilities, the costs are considerable, often requiring additional employees and new screening rooms to ensure privacy. Plus, severe penalties await those who fail to comply (the fines can reach \$250,000). How these costs are absorbed remains to be seen.

There's also an abundance of procedural difficulties. Time and effort are required to interpret HIPAA's finer points (such as how, exactly, it will affect communications via e-mail and the Web).

For most medical organizations, confidentiality has always been a top priority. The National Psoriasis Foundation, for example, had a policy in place prior to HIPAA that states that all names, addresses, phone numbers and e-mails are used internally and are never sold, loaned or given to any other party for any reason. But HIPAA's intent is to change confidentiality from *guidelines* into a set of across-the-board *rules*. It does this with the goal of protecting the individual, and, for all the controversy, expense and inconvenience, it's hard to argue against that.

Visit [www.hhs.gov/ocr/hipaa/](http://www.hhs.gov/ocr/hipaa/) and [www.hhs.gov/ocr/privacysummary.pdf](http://www.hhs.gov/ocr/privacysummary.pdf) for more detailed information about HIPAA.

—Nathan Denny, freelance writer, Portland, Ore.