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“HIPAA Update”

In the last issue of the MPI Advisor, we provided physicians and healthcare practitioners with a comprehensive overview of HIPAA, the Health Insurance Portability and Accountability Act of 1996 and its impact upon the medical profession, specifically as it relates to private practice. This newsletter reviews some of the most recent revisions to the statute and their implications for medical practices across the country.

The Bush Administration recently revised some of the standards initially adopted by the Clinton Administration. Specifically, providers, including physicians and hospitals, no longer need to obtain written consent from patients before using or disclosing personal health information, (PHI) for treatment or paying claims. Moreover, physicians and hospitals are also not culpable for incidental disclosures of PHI provided that they are involved in the direct care of patients. Examples of this include the use of sign-in sheets in waiting rooms and conversing with patients in semiprivate hospital rooms or exam rooms about their care or treatment.

New standards adopted by the Bush Administration, require providers and hospitals to make a “good faith effort” to obtain a patient’s written acknowledgement of their receipt of the “Notice of Privacy Practices” when physicians or health providers render service to their patients. The exception to obtaining a patient’s written acknowledgement prior to receiving treatment includes emergency treatment situations. Furthermore, practices and healthcare institutions must retain copies of the acknowledgement for six years from the date of its creation or the date when it was last in effect.

The new standards adopted by the Bush Administration also assure a patients’ access to their medical records and the right to request changes to correct errors. An example of this would be a telephone conversation between a physician and his or her patient that does not appear on a copy of the medical record. They also limit the information that can be disclosed for marketing purposes and prohibit the disclosure of a patient’s medical records to an employer without the patient’s specific authorization. The standards adopted for the HIPAA statute allow researchers to use medical records as long as identifying information, such as patients’ names, addresses and Social Security numbers are eliminated from the records.

Finally, please keep in mind that the standards adopted for HIPAA requires all private practices and healthcare institutions to comply with the statute, regardless of practice size, a grave misconception. To learn more about HIPAA please visit www.hhs.gov/ocr/hipaa/.