

By now you may have heard or read about a new health information privacy law that went into effect on April 14, 2003. This new law, the Health Insurance Portability and Accountability Act (HIPAA), requires health insurers and providers to handle your health information with more care. However, long before HIPAA, Wisconsin laws required health care providers and insurers to keep your health information private.

If you have health insurance coverage or have received care from a physician, dentist, chiropractor, health care facility, or other health care provider, you should have received a document explaining the insurer or provider's privacy practices. This document is known as the Notice of Privacy Practices.

The Notice of Privacy Practices is an excellent resource for health information privacy questions. However, the Notice of Privacy Practices may not provide clear answers to a consumer's most pressing questions. This brochure tries to answer questions frequently asked by consumers and their advocates about health information privacy.



If this brochure does not answer a question you may have about your health care information, please contact your provider or health insurance company. HIPAA requires each health care provider, including physicians, dentists, chiropractors, hospitals, clinics, home health agencies and nursing homes, to respond to any questions you may have about your health care information.

This brochure has been prepared by the HIPAA Collaborative of Wisconsin



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## A Wisconsin Consumer's Guide to Health Information Privacy



# A Wisconsin Health Care Consumer's Guide To Health Information Privacy

## **1. Do I have the right to inspect and copy my health information?**

**Yes.** With a few exceptions, you have the right to inspect and obtain a copy of your health information that is in the possession of your health care provider and health insurance company.

## **2. How do I get a copy of my health information?**

By contacting the organization and requesting a copy of your health information. Or, you may be asked to make your request in writing or complete and sign an authorization for disclosure of protected health information.

## **3. Do I have to pay for a copy of my health information?**

**Maybe.** Wisconsin law and HIPAA allow organizations to charge a reasonable fee for copies of your health information. Talk with the organization about their policy on charging for copies.

## **4. Does my employer have a right to my health information?**

**Generally no,** unless your employer acts as your insurance company or if you have filed a worker's compensation claim against your employer. However, even if your employer acts as your insurance company, the employer must keep that information separate from your employment records and may not use your health information for employment-related decisions

## **5. What if I file a claim for worker's compensation?**

Wisconsin law offers no privacy protection for employees who file for worker's compensation. Employees filing a workers' compensation claim waive all provider-patient privilege of information or results regarding any condition or complaint reasonably related to the condition for which they are claiming compensation.

## **6. Is a hospital billing department or insurance company prevented from answering questions from my advocate who is working on my behalf to help pay my medical bills?**

According to Wisconsin law, a written authorization is necessary in order for your health care provider to discuss basic information with your advocate, such as

name, billing information, and dates of service. Some health care providers or health insurance companies use their professional judgment in discussing billing information to assist in getting your medical bills paid. If your advocate wishes to discuss issues beyond a particular medical bill, you should sign an authorization form that allows your provider or insurance company to talk freely to your advocate. Some providers and insurance companies may have copies of their authorization forms on their websites.

## **7. Can my provider discuss my condition, treatment, and outlook with my family and friends without my written authorization?**

According to Wisconsin law, a patient's authorization is necessary in order for your health care provider to have such conversations with your family and friends. In an emergency situation, and in the absence of patient authorization, providers may use their professional judgment in determining whether to contact or share information with family members or friends involved in your care.

## **8. Can emergency health care workers ask questions about a patient, without the patient's permission, such as the patient's name, health and treatment status in emergency situations?**

**Yes.** Emergency health care workers can access a patient's health information while providing medical treatment.

## **9. If I find errors in my health record, can I correct those errors?**

**You can at least ask.** If you believe your health information is incorrect, you may ask your provider or health insurance company to correct the information. You may be asked to make such requests in writing and to give a reason as to why your health information should be changed. However, if your provider or health insurance company did not create the health information that you believe is incorrect, or if they disagree with you and believe your health information is correct, they may deny your request as long as they explain why.

## **10. May I request restrictions on how my health information is used?**

**Yes.** You have the right to ask for restrictions on how your health information is used or to whom your information is disclosed, even if the restriction affects your treatment or payment for services. You may limit the health information

provided to family or friends involved in your care or payment of medical bills. You may also limit the health information provided to authorities involved with disaster relief efforts. However, your provider is not required to agree to your requested restriction if he or she feels that the request is unreasonable or cannot be accommodated.

## **11. May I receive confidential communication of my health information?**

**Yes.** You may ask to have your health information communicated to you in different ways or places, as long as the request is reasonable. For example, you may wish to receive information about your health status in a special, private room or through a written letter sent to a private address.

## **12. May I receive a record of disclosures of my health information?**

Under Wisconsin and federal law your provider must keep track of most disclosures of your health information. You have a right to ask for a list of these disclosures. This list must include the date of each disclosure, who received the disclosed health information, a brief description of the health information disclosed, and why the disclosure was made. Your provider or insurer must comply with your request for a list within 60 days, unless you agree to a 30-day extension. Your provider or insurer may not charge you for the list, unless you request such list more than once per year.

## **13. What may I do if I believe my health information privacy rights have been violated?**

You may contact the privacy officer at your health care provider or health insurance company or the federal Department of Health and Human Services Office of Civil Rights. Consult the Notice of Privacy Practices for specific contact information. Wisconsin law permits you to sue a health care provider for Wisconsin privacy law violations. If you believe your rights have been violated, consult an attorney to help determine your best options.

The information in this brochure does not constitute legal advice. Please contact an attorney if you need legal advice.