

## MYPHR CAMPAIGN FAQs FOR STUDENT PRESENTERS

### Where can I find information on privacy laws specific to my state?

For information about the health information laws in your state, visit [The Center for Democracy & Technology](http://TheCenterforDemocracy&Technology.org) at [healthprivacy.org](http://healthprivacy.org).

### I have power of attorney for my mom. Does this mean I have legal access to all of her medical records?

No. To access another adult's information:

- Have the person you are caring for submit written authorization to his or her physicians' and healthcare facilities.
- In that authorization, the patient should include language that gives permission to release all information regarding treatment and care to you, and/or anyone else the patient wants to have access.
- This document might also include the names of people the information should NOT be shared with. An example might be a domestic abuse case where the wife would request that a husband not have access to any information.
- Then you'll need to give this authorization to the healthcare facility's Health Information Management Department.

In cases of lengthy or permanent incapacity, a legal guardian for the patient may be appointed through court proceedings. In that case, the legal guardian can access the patient's health records and decide who else can see them.

### Where does AHIMA get its funding from? Do you receive any funding from PHR vendors or do you sell any of your own PHR products?

myPHR is a cost-free, commercial-free resource. A 501(c)(6) organization, AHIMA is supported primarily through membership dues and donations. AHIMA does not receive funding from PHR vendors.

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AHIMA does not sell or endorse PHR tools or services. All vendors listed on myPHR.com are not endorsed by AHIMA, and are identified only as a resource to healthcare consumers.

### What type of information can I find on myPHR.com?

myPHR is the only unbiased, commercial-free resource for information on PHRs. Multimedia features and customized resources help eight audiences discover what a PHR is, what makes up a PHR and which type of information storage is right for them. The site includes videos, a glossary, testimonials from PHR users and expert blogs written by AHIMA members, all of whom are health information professionals. The "Privacy and PHRs" section addresses privacy concerns and deciphers state and federal regulations.

**Do I have to sign the notice of privacy practices?**

A Notice of Privacy Practice tells you how your information is used or disclosed and explains who has access to your information. You receive the notice the first time you visit a new healthcare provider, pharmacy, or hospital. You are asked to read and sign an acknowledgement that you received the notice. The law does NOT say you HAVE to sign it, but if you do, it helps the provider to document that you got the information. Health insurance plans must also provide you with a Notice of Privacy Practice, so if you have health insurance, you received the notice in the mail. Insurance plans don't ask for your signature.

**Is there any reason I shouldn't sign the notice of privacy practices?**

The section you sign is called "acknowledgement of receipt of the notice," and your signature has no effect on your provider's use or disclosure of your information under HIPAA. Acknowledging receipt does not mean that you have authorized your provider to use or disclose your information in any way other than outlined by HIPAA. If you refuse to sign, then the provider must note that they did not obtain your acknowledgement.

**What if my doctor says I can't have a copy?**

Providers may withhold medical records if they believe that the outcome of the records may endanger a patient's physical health. These are often mental health records. Providers cannot deny the request if they believe you will be upset; they must suspect a chance of physical harm. If your records are withheld for this reason, the provider must state this in writing.

If you believe your rights to your medical records have been violated under HIPAA law, first file a complaint with the organization denying access. Then contact the U.S. Department of Health and Human Services (HHS) by filling out a mail or email form:

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

Depending on the severity of the offense, the HHS may fine the offending party, ranging from \$25,000 to 10 years in prison and \$250,000.

**How do I know if the fees I get charged for copies are reasonable and appropriate?**

Your healthcare provider is allowed to charge a reasonable fee for copies of your health record. The fee should only include the cost of copying (including supplies and labor), as well as postage if you request the copy to be mailed. If you request an explanation of this information, you may also be charged a fee for its preparation.