

## **Privacy and Security**

The privacy and security of patient's health records is of utmost importance. New York State and NYeC are doing everything in their power to make sure that the privacy and security of patient's health records are maintained when health IT tools are used:

- Federal and state laws strictly protect the privacy and confidentiality of health information about patients. New York State is requiring health IT networks and everyone who uses them to follow the same rules to protect the privacy and security of records shared through this system.
- Only the people (such as doctors, nurses, and their staff) who are involved in a patient's health care are allowed to access his or her health records using health IT, and only if the patient signs a consent form. Others, such as employers and immigration agencies, will not have access to patient information.
- Safeguards like passwords and other protections keep patients' records from being accessed without proper permission.
- Patients can request a list of everyone who has accessed their records using health IT.
- If improper access does occur, patients will be told, and New York State will make sure steps are taken to correct the problem so it does not happen again.

### **Q: Are electronic health records more secure than paper records?**

A: While no records (paper or electronic) are 100-percent secure, electronic health records are capable of providing added security measures such as an audit log, which identifies anyone accessing the records and encryption that encodes the data to provide an even higher level of security.

### **Q: Can patients access their medical records?**

A: New York State Law gives patients and other qualified individuals the right to access their medical records. There are some restrictions on what information may be obtained and fees may be charged by doctors, other providers and facilities for providing copies.

An individual can request his or her own medical records, and the law also permits access by other "qualified persons," which includes parents or guardians when they approved the care or when it was provided on an emergency basis. Attorneys representing patients and committees appointed to represent the needs of incompetent patients may also request records.

### **Q: What rights do patients have under HIPAA privacy standards?**

A: HIPAA is a law that requires providers, health plans and other similar entities to observe certain rules for maintaining the privacy and security of patient information. The HIPAA Privacy Rule gives patients the right to access their health information, restrict

access by others, request changes, and learn how their health information has been accessed.

For additional information, see the HIPAA Basic: Privacy and Security Issues at [www.dhhs.gov/ocr/privacysummary.pdf](http://www.dhhs.gov/ocr/privacysummary.pdf)

**Q: How are privacy laws different in New York?**

A: New York law is more stringent than HIPAA for patient treatment, payment and health care operations. New York law requires providers to obtain patient consent for treatment. A patient centered affirmative consent policy was developed for the exchange of personal health information in New York through RHIOs. A state approved consent form was also developed to allow patients to choose who has access to their health information. The full set of New York's privacy and security policies and procedures can be found here: <http://www.nyehealth.org/SCP-policies>

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