

# KNOW YOUR BENEFITS.

From Cornell College



## Patient Privacy and HIPAA

The trust that patients place in their health care provider is critical to receiving high-quality care. Patients trust their doctor with information they may not share with anyone else. However, with the emergence of electronic databases, patients are increasingly concerned that their information could potentially be accessed by those other than their physicians.

### **Rules for Patient Privacy**

Concerns over the security of confidential medical information are legitimate. Health care organizations across the country lack consistent policies and practices for protecting the confidentiality of personal health information. To eliminate these inconsistencies, the federal government developed standards for patient privacy as part of the administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

The provisions of HIPAA are the first national standards for protecting health information. They are a result of increased public concern over the use and disclosure of health and other personal information as technology makes access to all types of records much easier. The rules are intended to protect and enhance the rights of consumers regarding their health information, control the

inappropriate use of medical records and improve the quality of health care in the United States by restoring trust in the health care system.

### **HIPAA Privacy Rules**

Five basic principles govern the HIPAA privacy rules:

- *Consumer Control* – Patients have new rights to control the release of their medical information.
- *Boundaries* – With few exceptions, a patient's health information can be used for health purposes only.

## The provisions of HIPAA are the first national standards for protecting health information.

- *Accountability* – There are specific federal penalties for people and organizations that violate the HIPAA privacy regulations. The penalties range from a \$100 fine per violation for disclosures made in error, to up to \$250,000 and 10 years in prison for malicious use of medical records.
- *Public Responsibility* – HIPAA provides standards for how medical information should be released for public health, research, fraud and abuse investigations, and quality assessment purposes.
- *Security* – Health care organizations must establish clear procedures to protect patients' privacy.

To learn more about how your health plan or health care provider will comply with the HIPAA privacy rules, contact your health plan's member services department, your physician or your clinic administrator. For more information about HIPAA, please visit [www.hhs.gov/ocr/hipaa](http://www.hhs.gov/ocr/hipaa).

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## Women's Health and Cancer Rights Act (WHCRA) of 1998

The benefits related to mastectomies changed quite a bit with the Women's Health and Cancer Rights Act (WHCRA) of 1998. This article will answer some of the common questions patients have about the WHCRA.

### **What does WHCRA cover?**

If you are enrolled in a health plan that covers the medical and surgical costs of a mastectomy, the WHCRA states that your plan must also cover the costs of certain reconstructive surgery and other post-mastectomy benefits, including:

- All stages of reconstruction of the breast on which the mastectomy was performed
- Surgery and reconstruction of the other breast to produce a symmetrical appearance
- External breast forms that fit into your bra for before or during reconstruction
- Treatment of any physical complications of the mastectomy, including lymphedema

### **I had a mastectomy due to non-cancer related health issues. Am I covered under WHCRA?**

Yes. These rights are not limited to cancer patients. If your plan covers mastectomies, WHCRA rights apply.

### **My job does not offer a group health plan. Does WHCRA apply to my individual health insurance policy?**

Yes. WHCRA applies to group health plans that are provided by an employer or union as well as to individual health insurance policies that are not based on employment.

### **Your health plan must also cover the costs of certain reconstructive surgery and other post-mastectomy benefits.**

### **I receive health benefits through my church. Am I still covered under WHCRA?**

There are certain "church" and "governmental" plans that are not subject to this law. Generally, though, any plan that provides coverage for mastectomies must also comply with WHCRA. Check with your provider for information specific to your plan.

### **Will my co-pay for reconstructive surgery be more expensive than my co-pay for other health conditions?**

No. If your health plan requires a co-payment for other health conditions, the co-pay for your mastectomy benefits must be the same. For example, it is a violation of WHCRA for your plan to cover 90 percent of hip replacement surgery but to only cover 70 percent of breast reconstruction.

### **Is my health plan required to inform me of my rights under WHCRA?**

Yes. Your health plan must provide you with a notice of your rights under WHCRA when you first enroll in the health plan, and then annually after that.

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