

HIPAA Access and Patient Control Over PHI Daniel J. Solove

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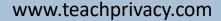


OCR Consent Decrees with Penalties for Access Violations

Bayfront

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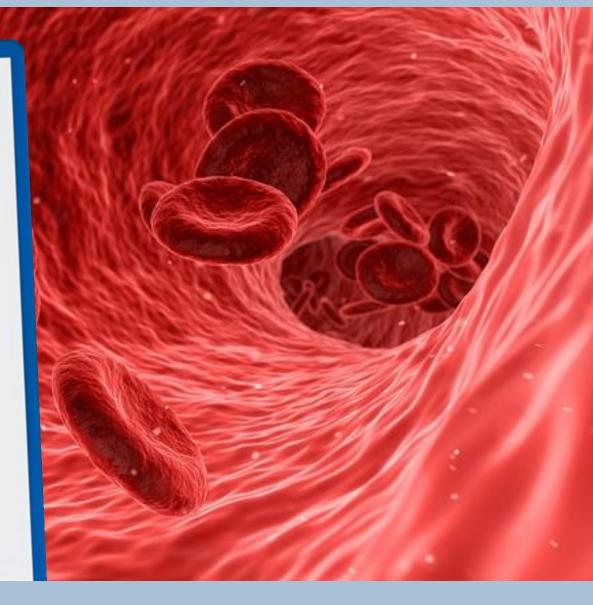


> Access ranks in the **top 5** most investigated compliance issues by HHS.

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Workforce Training by Daniel Solove Privacy | Security | HIPAA | CCPA | GDPR



More than **50%** of medical providers in a 2019 study did not meet the basic requirements in HIPAA for providing medical records

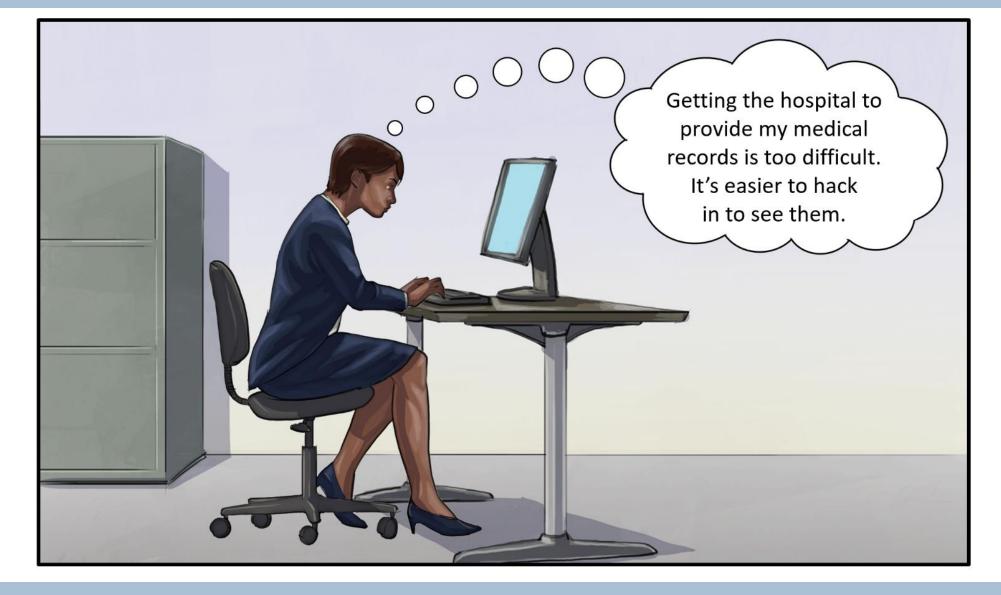
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In a study, 24% of providers were not aware or in compliance with HIPAA's "reasonable" fee limitations.

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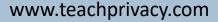


Many records are provided on CDs even though many modern electronic devices such as laptops and tablets lack a CD or DVD player.



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2019 study: 90% of healthcare providers rely primarily on fax machines to transmit medical records.







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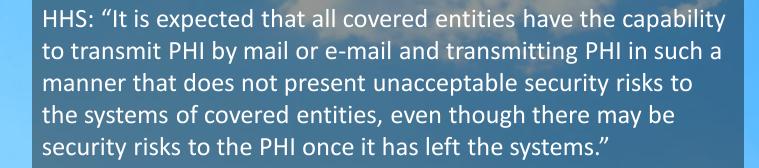


HIPAA: "The covered entity **must provide** the individual with access to the protected health information in the form and format requested by the individual, **if it is readily producible in such form and format**; or, if not, in a readable hard copy form or such other form and format as agreed to by the covered entity and the individual."









HHS: "[I]ndividuals have a right to receive a copy of their PHI by unencrypted e-mail if the individual requests access in this manner."



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HIPAA's Inadequate Rules for Patient Control

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CORRECTIONS TO MEDICAL RECORDS

Records riddled with errors



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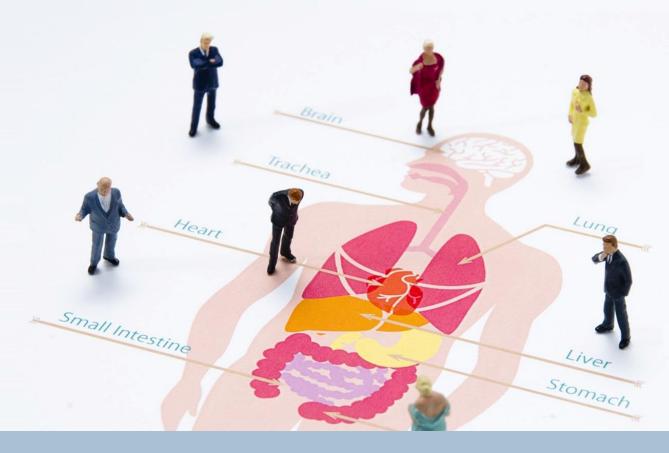
TREATMENT AND CONTROL OF RECORDS

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HIPAA fails to provide patients with the right to restrict disclosure of PHI for treatment purposes.



WHY DOES PATIENT CONTROL MATTER?



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The Rare Disease Ordeal

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Mental Illness Bias

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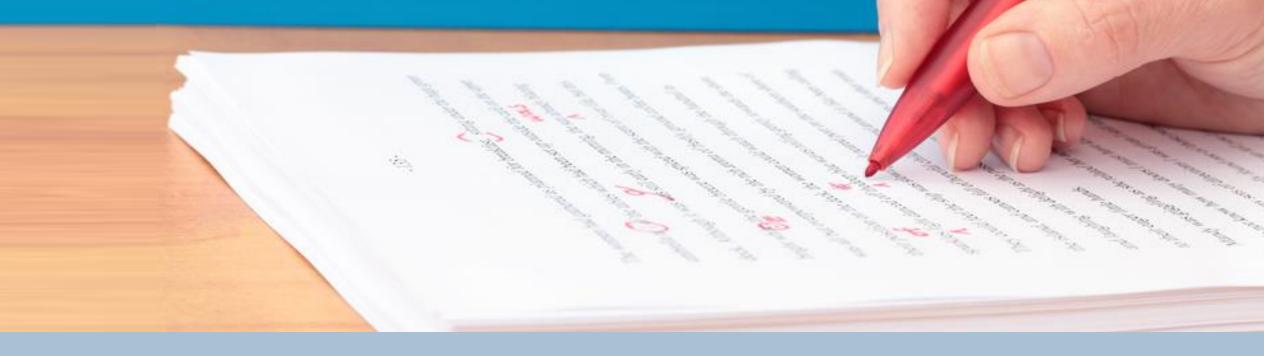
Insinuation of Hypochondria



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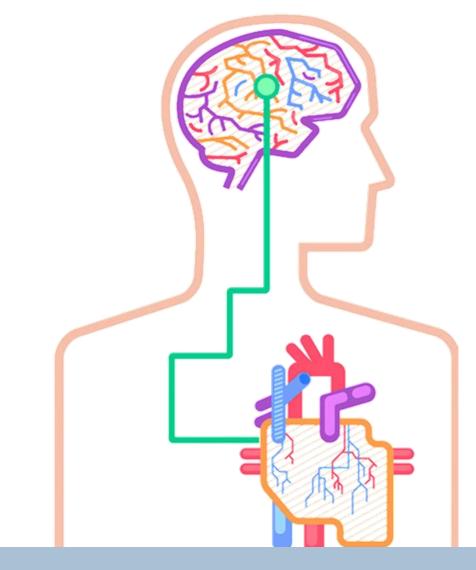


The Error-Riddled Record



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A NEW PARADIGM FOR ACCESS AND CONTROL

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View medical records as a service to patients



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Strengthen Enforcement



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Modernize Technology



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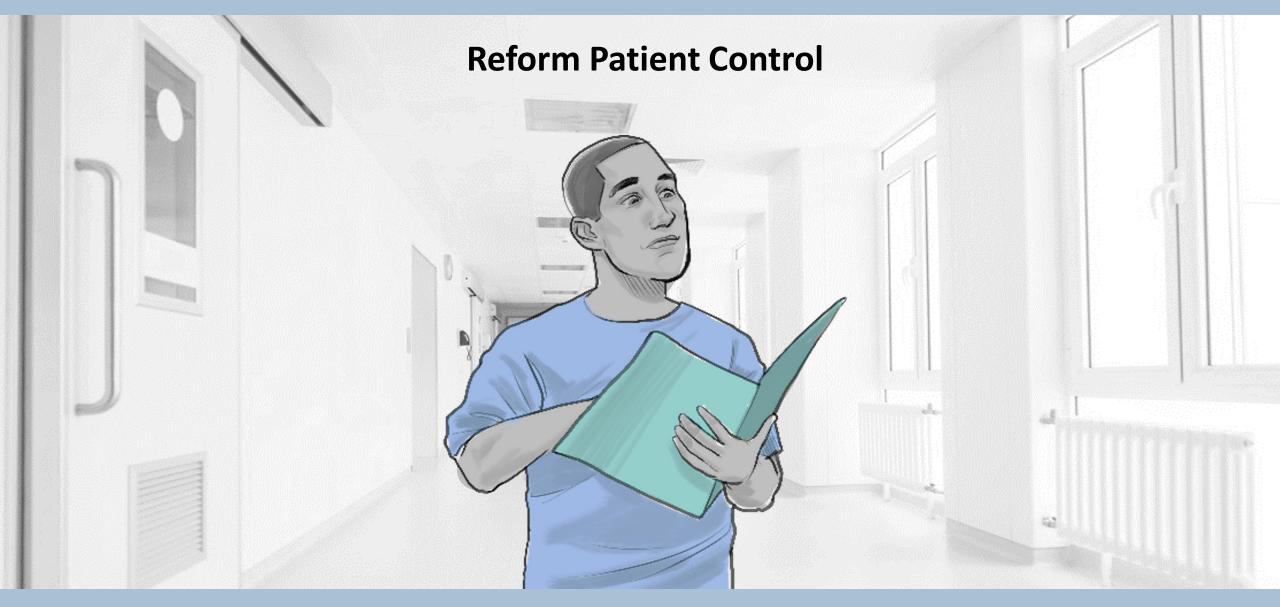
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Automatic Access to Records

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