

April 2003

PATIENT POWERline from the desk of Marie Savard, M.D.

RE: The New Medical Privacy Laws; both good news and bad

Dear Friends,

The New Medical Privacy Laws

Don't be surprised when you have your next doctor visit or hospital stay – you will see a number of changes. My girlfriend has already questioned me after her routine gynecologist appointment this week, “What is with the big booklet about ‘privacy or something’ I had to read while in the waiting room – and what about the notice I had to sign? What is this all about?” She then went on to describe some of the intriguing changes: a glass partition to separate the office staff from the waiting room, no more sign in sheets (that part she liked), computer screens carefully hidden from view, medical charts facing backward on the office doors and a big privacy notice sign in plain view? She couldn't decide who's privacy was being protected – the office staff or the patient's.

I tried to explain to her as best I could what this was all about. Her doctor was trying to comply with the first ever federal medical privacy rule...and for many doctors and hospitals, this has been a huge burden. I must confess it took longer to explain the new federal privacy laws, commonly referred to as the “HIPAA regulations”, then it takes to counsel a woman about hormone replacement therapy or a man about enlarged prostate treatment options. HIPAA, by the way, stands for the Health Insurance Portability and Accountability Act of 1996.

It has been long known that our medical information is held less private and secure than most other sources of information – from financial information to what movies we rent at the video store. The HIPAA regulations of 1996, which have just gone into effect April 14, 2003, have attempted to remedy the problem. They mandate that all health care providers (hospitals, pharmacists, doctors – few are spared) follow a complex set of rules in an attempt to protect the privacy of our medical information. Unfortunately the new regulations are excessively complex and more attuned as some people believe “to making sure that businesses and government agencies get access to medical records than to the protection of patients' privacy”. To me, the HIPAA rules are an overly complicated and costly way of applying basic and common sense privacy rules in this era of electronic communications within a complex and fragmented health care system.

What doctors and all other health workers must do now is provide patients with a notice listing how they share medical information (that was the big book my girlfriend was

expected to read and understand in the waiting room). The patient then signs a form saying she has seen the list and agrees with the terms. A patient can request some restrictions, but if they want their health care paid by their insurance company and their doctors to have vital information about them, they really have no leverage. And since no specific consent is required to share medical information each and every time for treatment, payment or “health operations” (whatever that all entails), I am not all that sure our most private of information, our medical information, is really protected at all.

The Good and Bad News

There is good news. For the first time, patients will be advised that they can not only see and have copies of what is in their medical records (something you all know I have been talking about for years), they can make changes in their record as well. Odd how we have gone from resisting patients’ requests for copies of their medical information to a system where patients can even make changes in their own file? I am all for everyone one of us getting a copy of all of our information – but how will the system cope with patients requesting changes? Providers can also charge a reasonable fee for copying and postage, if applicable (I have always suggested giving your provider a self-addressed stamped envelope as a reminder and to make their job easier). Other good news - health plans cannot share personal information with employers.

There is bad news too. Doctors and hospitals will be spending lots more money and time in an attempt to comply – and maybe less time in the process of giving good patient care.

The Bottom Line

The bottom line for me is this – the implementation of the new HIPAA privacy regulations is likely to be costly and frustrating to both doctors and patients. We already have the ethical and legal right to request copies of our medical information, even without the HIPAA rules. And although the promise of privacy of our medical information is important, it seems that the new regulations do little to help us achieve this goal.

How To Get Started Collecting Your Own Medical Records

Few people have any idea what is in their medical record and what information is important to ask for and keep. To learn more about getting copies of your medical records, what information to ask for, how to read your test results and consultation reports, please get a copy of my book, *How To Save Your Own*, http://www.drsavard.com/system_book.htm and visit me at my website http://www.drsavard.com/about_dr.savard.htm.

Once you have your medical records, you will want to organize them and keep them in a safe place. I have developed a three ring binder simple health management system that will help you. You can get a copy of *The Savard Health Record* by ordering it from my site at http://www.drsavard.com/system_record.htm.

It's important to have a copy of The Savard Health Record for each member of the family. For a limited time we are offering The Savard Health Record for \$9.95 each plus shipping when ordering 2 or more copies. To get this special offer send an email to eileen@drsavard.com, include the number of copies you'd like along with your shipping information and telephone number, or you may call toll free 877-SAVARDS (728-2737).

Here's what's included:

User's manual which explains everything you need to know about your rights (and responsibilities) as a patient to obtain your medical information: how to accurately write down your medical history, gather your information from doctors and hospitals, understand the results of most standard tests, and develop a personal program to maintain your good health.

Glossary of common medical conditions and terms to help you understand test results and other medical information.

19 forms to help you organize and keep track of your health care, such as the Family Medical History Tree, Emergency Health Information sheet, an Office Visit form (you can download additional Office Visit forms from my website at http://www.drsavard.com/docs/office_visit.pdf), Medications, Vitamins, Supplements, and Herbs Log, Test and Procedures Log, and many more useful charts and journals. http://www.drsavard.com/system_record.htm.

Watch for me on Monday, April 21 on CNN Headline News (on all Comcast Cable Systems), Seeking Solutions with Suzanne "Medical Records: Your Responsibility" at 11:55 AM, 4:55 PM, 9:55 PM. I will be talking about medical records, how to get them, how to read them, and how to get the best health care possible as a result.

Please write to me at <http://www.drsavard.com/askdrsavard.htm> with your stories about your medical records, what you have learned, and suggestions how to work better with your doctor on this important matter?

Warm regards,

Marie Savard, M.D.

Be sure to share this newsletter with your family and friends and encourage them to subscribe at <http://www.DrSavard.com>.

To print a sample letter to give to your doctor(s) requesting your medical records, <http://www.drsavard.com/docs/sampeletter.pdf>

To discuss a booking for your next event email bookings@drsavard.com or call 877-728-2737.

Testimonial

Recently, my husband had surgery and we know how important his health history along with his current medications are to the staff that will be taking care of him. When I handed the nurse and the resident on the orthopedic service a list of his prior surgeries, hospitalizations and current meds. the reaction was very interesting. The resident looked at me like I was from outer space and the nurse said "How wonderful! I wish more people would do this sort of thing. It makes our work so much easier and you don't have to try to remember these things at a stressful time. Important information could be missed." Thanks to you, Dr. Savard we both carry all this information in our wallets in the same compartment as our insurance cards.

Marie Savard, M.D. is an internationally known internist, women's health expert and champion of patient empowerment. She is the founder of The Savard System, dedicated to teaching patients how to manage their own healthcare. She is the author of two highly acclaimed books, *How to Save Your Life: The Savard System for Managing-and Controlling-Your Health Care* (Warner Books, Inc. 2000) and *The Savard Health Record: a Six-Step System for Managing Your Health Care* (Time-Life, Inc. 2000).

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