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Abstract: Examines the technological aspects on the privacy rules of medical records. Specification of special rights for teens; Analysis of the doctor-patient confidentiality; Use of computers for the patient's medical records.

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How Private Are Your Medical Records?

Here's how technology is changing the privacy rules between doctors and their patients.

Four hundred pages of the psychological records of 62 children and teens were posted on the University of Montana Web site for eight days. The information included names, birthdates, home addresses, schools, and the results of the psychological tests.

Whatever happened to doctor-patient confidentiality?

Medical Records Go Electronic

The Oath of Hippocrates, which doctors take, states "Whatsoever I shall see or hear in the course of my profession... I will never divulge, holding such things to be holy secrets." Court cases have upheld this tradition. Technology, however, is changing the rules.

For years, patients' medical records were kept on paper in file cabinets in the doctor's office. Today many doctors put their records on a computer. Some store records in a regional or national database. Computers can help diagnose disease, monitor patients, and organize data. They send information to managed care networks, insurance companies, medical research networks, drug benefits managers, and others. Unfortunately, along the way many more people can see these electronic records.

Of course, there's a lot of good in having medical records available to a wide variety of users. Computers make it easier to track diseases and side effects of drugs. Universities and drug companies have access to data for research. Billing is more efficient. Bad claims are caught more quickly. If a person is injured or becomes sick in another part of the country, that person's medical history is immediately available to another doctor or hospital. With proper security systems that include encryption, passwords, and patient identifiers (not social security numbers), electronic records may be more secure than paper records.

On the downside, as more information becomes available on-line, there is a greater chance for it to be abused. Employers might exclude applicants for employment due to their medical history. Drug companies use patient lists for marketing. Insurance companies sometimes use medical records to refuse insurance to those who are sick or have genetic predispositions to illness.

You Against the Machine

When you have medical treatment, you sign a waiver that allows others to see your records. In addition to health care professionals, these might include researchers, educators, insurance companies, employers, government agencies (e.g., for Medicaid or workers' compensation), or businesses with products related to health tests.

Here are some ways to protect yourself against others seeing your medical records:

- | Limit the amount of information released in the waiver. If you go to the doctor to get a wart removed, no one needs to know whether or not you have high blood pressure.
- | Before filling out a medical questionnaire, ask who will have access to the information.
- | Be careful when visiting health Web sites. If you are asked to give a name, use a false name. Don't give out any more information than you need to.
- | Ask your health care provider if you can see your medical records. If your request is refused, ask for a written denial and then contact a patients' rights group.
- | Talk with your doctor about privacy. Some doctors keep treatment notes separate from the general medical chart.

Special Rights for Teens

According to the American Academy of Pediatrics (AAP), teens don't use health care resources as much as they should. Many teens don't want to discuss sensitive issues such as suicide, substance abuse, and sexually transmitted diseases with a doctor because they are afraid their parents will find out.

In the Survey of Adolescent Girls 1997, 36 percent of the teens of both sexes reported that they sometimes did not get medical care because they didn't want to tell their parents about their problem. Some said their parents aren't supportive, some said their parents are the problem, and some just want to take charge of their health.

In general, parents have to consent to medical care for their children. However, many states have laws stating that conditions such as pregnancy, contraception, drug and alcohol abuse, and mental health issues are confidential and cannot be reported to the teen's parents.

Every individual needs to understand his or her right to privacy, especially in this age of easy access to information.

What Would You Do?

Here are some situations to test your thinking and problem-solving skills. Be prepared to discuss your answers in class.

1. You smoked for about six months four years ago. Should you tell your doctor? If you do, should he or she put that in your record? Explain. -----

2. Your family doctor is a personal friend of your parents. You like the doctor, but you wonder if he or she will keep your concerns private. Should you ask your parents if you can choose a new doctor? Explain. -----
3. You fill out an employment application. One of the questions asks if you have ever had psychiatric treatment. You did see a psychologist for a few months two years ago when your parents were getting a divorce. Do you have to put this down? Why? -----
4. Your doctor asks if you have a family history of alcoholism. Why should you answer this, since you're not even old enough to drink? -----

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