



# What is HIPAA?

## *Fast facts*

The Health Insurance Portability and Accountability Act (HIPAA) protects our privacy when it comes to personal health issues. You may be wondering what HIPAA covers and what organizations must abide by HIPAA. Here are some fast facts about HIPAA to provide some answers and help you dig even deeper into this act.

### **What is HIPAA? Who must follow the rules of HIPAA? What rights do I have under HIPAA? What are HIPAA's limitations?**

- The **Health Insurance Portability and Accountability Act** of 1996, commonly known as **HIPAA**, operates under a [Privacy Rule](#) that provides guidelines as to when citizens can control who accesses their health information, have input on their health records, and access copies of their records.
- Organizations that must follow HIPAA are [covered entities](#). Covered entities include:
  - Health care plans and providers or processors of health information.
  - Their **business associates**, such as lawyers, IT professionals, and billing companies that have access to healthcare information.
- The [penalties for violating HIPAA](#) may be **civil penalties** of large fines, **criminal penalties** of jail time, or both.
- Most school districts, employers, child protective services, law enforcement, and life insurers [do not have to follow HIPAA](#), though they may have access to medical information about you.
- Under HIPAA, you have the [right to ask for a copy of your healthcare records](#) (except for psychotherapy notes) and cannot be denied access if you haven't paid your bill.
  - You may have to pay shipping to receive a record, but in most cases, it must be sent to you within 30 days.
- HIPAA also gives you the right to ask that any wrong or [incomplete information](#) be changed in your records.
  - If you and your healthcare provider disagree on whether information is correct, you have the right to have your disagreement noted in the file.
  - In most cases, it must be changed within 60 days.

### **Need help finding a resource?**

Ask library staff for help if you are unable to find or access a resource. We're glad to help you find the information you are looking for.



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- Information about your health can be legally shared with certain organizations outside your doctor's office to protect public health, such as reporting total numbers of flu cases in an area. HIPAA gives you the right to know [who accesses your information](#).
  - In most cases, doctor's offices and health care plans provide you with this information up front, but you can request it again at any time.
  - Usually, to provide health information to advertisers, your place of employment, or other third parties, you must give your written permission first.
  - A doctor can [discuss your health in front of others](#) if you are present and don't object or if you are unconscious and medical personnel judge it in your best interest.
- You can also request that your health information not be given to specific people.
  - You can request that certain information not be shared with a spouse or family member.
  - You can request that a clinic not share your prescriptions or diagnosis with your health insurance provider so that the cost of your insurance doesn't rise, as long as you pay the cost of your treatment out of pocket.
  - You can also request that your health information not be shared with other healthcare professionals, but your request can be refused, especially if it interferes with your care.
  - A doctor also might share information about your health with immediate family if you are [incapacitated or in crisis](#), such as a [drug overdose or mental breakdown](#).
  - You can make reasonable requests about [how you are contacted](#), such as what phone number you prefer to be reached at and that health information be sent in envelopes rather than postcards in order to protect your privacy.

### **What about HIPAA and COVID-19? When can people ask me about my vaccination status? When can my employer ask if I have COVID-19?**

- COVID-19 vaccines do count as [protected health information \(PHI\)](#) and are covered by HIPAA.
  - This means the healthcare organizations that provide vaccines and doctors cannot disclose who has been vaccinated without patient permission.

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- HIPAA does not apply to employers or your [employment records](#), even if health related.
  - Your employer does have the right to ask you for health information or a doctor's note if it applies to sick leave, workers' compensation, wellness programs, or health insurance.
  - They can also ask your doctor directly, but if your doctor were to provide any information without your permission, the doctor would be in violation of HIPAA.
- Just as employers are legally allowed to require uniforms, employers [can require that employees wear a mask](#) to work.
- An employer can require employees to provide their vaccination status, such as a copy of their vaccine card, according to the **U.S. Equal Employment Opportunity Commission's** [recent guidance](#) for the workplace. However, if an employer asks [why a person is not vaccinated](#), they may be in violation of other federal laws, such as the **Americans with Disabilities Act (ADA)**, or the **Genetic Information Non-discrimination Act (GINA)**.
- There is no current requirement to get a COVID-19 vaccination at the state or federal level, but there is precedent for legal vaccine requirements.
  - The U.S. Supreme Court did [establish in 1918](#) that health departments have the right to require a smallpox vaccination for the good of public health.
  - [School registration also requires proof](#) of recommended childhood vaccinations in Washington State.
  - Vaccinations are [required to travel](#) to certain countries.
  - It is not yet clear whether the COVID-19 vaccine will be required for some public settings, or just recommended.

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