

Health Information Compliance Alert

Health Information News: PRIVACY ISSUES MAY REACH U.S. SECURITY DEPARTMENT

Privacy concerns have prompted government officials to consider installing a privacy officer at the **Department of Homeland Security**, according to an article in the New York Times.

According to a July 9 article in the Times, the Bush administration is under Congressional pressure to place a privacy officer in the department to ensure it weighs issues of confidentiality and the secure handling of personal information.

Mark W. Everson, controller of the **Office of Management and Budget** told Representative **Bob Barr** (R-GA) that if a proposal to install such a position were submitted, he would look at it very carefully, saying that privacy is a "very important function," according to the article. Everson said the administration was looking at options for establishing a specialized privacy officer with the new department.

However, **Peter Swire**, a privacy official at the **Office of Management and Budget** in the Clinton administration, said proposed legislation lacks any privacy safeguards, "either to prevent harm to individuals or to stop a power grab by an unaccountable agency." Swire said the privacy issue would be especially severe because of the copious amounts of data the new department would draw from other agencies.

1. The **HHS' Office of Civil Rights**, the agency responsible for enforcing HIPAA, has developed a Web-based quiz using PowerPoint slides that aims to educate the public regarding the Health Insurance Portability and Accountability Act.

The quiz, which the OCR matter-of-factly refers to as "The Top 15 Privacy Concerns," consists of 15 true or false questions. Sample questions include:

1. "The privacy rule will create a government database with all individual's personal health information";
2. "The privacy rule prevents my pharmacist from filling my prescription before I show up and sign that consent. Now, instead of having the prescription waiting for me, I'll have to come to the pharmacy, sign a consent, and then wait around for hours while the prescription is filled"; and
3. "The privacy rule prevents me from using a sign-in sheet so I can know when a patient has arrived. I can't even call out the names of patients in the waiting room when its [sic] their turn for their appointment."

The questions are followed by answers and brief explanations. To take the quiz, go to: www.regreform.hhs.gov/hipaaquiz_0204171/sld001.htm

2. According to an article in the New York Times, the privacy rule could create problems for athletes on professional sports teams. The July 4 article noted that a Cincinnati law firm working on behalf of the **National Football League's** Cincinnati Bengals filed a comment on the rule with the **Department of Health and Human Services**.

The firm of **Taft Stettinius & Hollister** recommended guidelines that would exempt professional sports teams from some of the provisions of HIPAA. One of their concerns related to the NFL's weekly disclosure of injured athletes, which the NFL uses to discourage gamblers from gathering inside information on a team, the Times reports.



The NFL and **Major League Baseball** are still investigating HIPAA and its potential restrictions, according to the article.