

Health Information Compliance Alert

Legislation: SUNSHINE STATE BILL MAY SPREAD SHADOW OVER PHARMA CO.'S

Claiming that the Bush administration's final Health Insurance Portability and Accountability Act privacy rule lets drug stores get away with too much when it comes to marketing pharmaceutical products, a Sunshine State congressman is introducing a bill designed to beef up protections for pharmacy customers.

Sen. **Bill Nelson** (D-FL) plans to introduce the Health Records Confidentiality Act of 2002, a narrowly-crafted bill targeting a drug marketing tactic that Nelson says threatens the privacy of patients' health information despite the HIPAA privacy rule's mandates.

Under current rules, Nelson's office says, a drug company can pay a drug store chain to identify customers taking a competing drug, and have druggists write them letters trying to persuade them to switch to their own version of the product.

"This loophole lets drug companies and pharmacies mine and secretly profit from your most private medical information," Nelson said Aug. 26. "Instead of allowing further erosion of our privacy standards, we should be strengthening medical privacy protections."

Under the senator's proposal, consumers would have to give specific consent before pharmacies could go through their records on behalf of drug makers who pay them to market their medications.