

YOUR RIGHT TO KEEP YOUR MEDICAL RECORDS PRIVATE

When can my health care provider share my medical records with others?

Except in very limited circumstances, your health care provider may only disclose your health care information to another person upon your written consent.

What if I want to authorize my health care provider to furnish my health care information to another?

Your written consent is needed before your health care information may be shared by your health care provider with another.

Your consent to disclose health care information must:

- Be in writing;
- Identify the nature of the information to be disclosed;
- Identify who is to receive the information;
- Identify who is to provide the information; and
- Identify the patient whose information is to be disclosed.

An authorization to disclose health care information in the above form must be honored by your health care provider. The health care provider may charge a “reasonable fee” for disclosing the health care information. Your health care provider may require you to pay this “reasonable fee” before disclosing your health care information. A “reasonable fee” is currently defined as up to 69 cents per page to copy the first 30 pages and up to 53 cents per page for all additional pages of health care information provided. In addition, the health care provider may charge a \$16.00 “clerical fee” for providing health care information.

When may my health care provider disclose my health care information without my written permission?

Your health care provider may disclose your health care information without your written permission to someone who needs the information under very limited circumstances. Some of those circumstances are:

- To a person your health care provider reasonably believes is providing you health care;
- Orally, if made in accordance with good medical practice, to a family member or someone else with whom the health care provider believes you have a close personal

relationship. You may prevent this type of disclosure by informing your health care provider, in writing, that you forbid it;

- Under restrictive circumstances to those who need to know the information for education, research or for the administration of health care by the health care provider; and
- When required under court process.

There are other circumstances under which your health care information may be disclosed, such as for use in research, to protect the public health, or if you are in a custodial institution such as a prison.

What can I do if I think my medical records have been inappropriately disclosed?

Contact a lawyer. The law protecting the privacy of your medical records allows you to obtain a court order forbidding the further unauthorized disclosure of your health care records. In addition, it allows you to collect actual damages for any prior unauthorized disclosure. The law also provides that you may be awarded lawyer's fees and expenses to cover the costs of the lawsuit if you win. If you have a good case, a lawyer may represent you without a fee based on the expectation of getting lawyer's fees from the other side. Many lawyers will consult with you for free to evaluate your case. To find one, look in the Yellow Pages or contact your local bar association Lawyer Referral Service, if available.

The law that protects the privacy of your medical records is in the Revised Code of Washington (RCW) at chapter 70.02. Most public libraries and county courthouse libraries have copies of the Revised Code of Washington that you may look at and copy.

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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