



TRIPLER ARMY MEDICAL CENTER

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Don't let medical privacy laws lock you out

By Mark Jecker

TriWest Healthcare Alliance

When the doctor's bill came, the wife of a deployed service member didn't know what any of the charges were for – and nobody could tell her, even though she was paying the bill.

It's the law.

The law is the 1996 Health Insurance Portability and Accountability Act, called HIPAA. HIPAA's privacy rule is designed to safeguard patients' protected health information (PHI) while giving health care providers the access they need to furnish high-quality care.

The wife couldn't get the needed information because she did not have her deployed husband's written consent to share his medical information with her. It was a simple oversight, but it's an oversight that can cause problems.

The wife needs to file an *Authorization to Disclose* form with TriWest. This form needs to be signed by her husband or be accompanied by her husband's power of attorney authorizing her to act on his behalf. The *Authorization to Disclose* form is available under "Find a Form" at www.triwest.com.

"Without a written consent, we cannot release the patient's medical information," said Brendan Alsup, Director of Internal Audit and Corp Compliance for TriWest Healthcare Alliance, the Department of Defense contractor administering the military's health care plan in 21 western states. "Depending upon the circumstance, we may also need supporting documents, such as birth or death certificates, adoption or custody papers, or divorce agreements.

“However,” he said, “a patient’s protected health information may be disclosed in emergency situations, without authorization, to allow for prompt emergency care.”

Disclosure without authorization includes, for example, allowing a primary care physician to release a patient’s information to other doctors, specialists, pharmacists, or laboratory technicians, who need it to carry out activities and job requirements in the interest of the patient.

Alsup said anyone who has visited a health care provider’s office since the HIPAA privacy rule took effect should have received a Notice of Privacy Practices, which informs patients of their right to

- access, review and obtain a copy of their PHI;
- request an accounting of any inadvertent or unauthorized disclosures of their PHI;
- amend inaccurate or incomplete PHI;
- request that communication about their PHI take place by alternative means or in an alternative location;
- restrict the use and disclosure of their PHI.

As an additional resource, privacy officers are located at every military treatment facility, serving as beneficiary advocates and responding to inquiries. They help ensure that PHI remains accessible to beneficiaries and their providers but remains protected from unauthorized access.

Once the service member’s wife gained authorization to see her husband’s medical records, she was able to keep better track of her family’s medical expenses and records by calling 1-888-TRIWEST (1-888-874-9378), registering at www.triwest.com to check her family claims online, or by visiting the local TRICARE Service Center.

For more information, beneficiaries can consult a copy of the MHS Notice of Privacy Practices, which is available at www.tricare.osd.mil/hipaa, or **contact Alan Gamble, Tripler Army Medical Center EFMP clinic.**