



## HEALTH INFORMATION

# Bill of Rights

## PREAMBLE

America has always sought to protect the rights of individual citizens to be informed and therefore free from exploitation. Over and above all other state obligations—excepting only the right to life and liberty—does this requirement stand. With the dawn of a new century come new challenges to protect our rights; especially in the sensitive area of privacy.

The American Health Information Management Association (AHIMA) is aware that the 21<sup>st</sup> Century daybreak that shines a bright promise across healthcare's new horizon also brings greater risk to light. That is why we are always committed to defending the rights and health of America's healthcare consumers by establishing a set of indisputable protections we call the AHIMA Health Information Bill of Rights.

AHIMA has established these seven measures for the sole purpose of protecting healthcare consumers. Ours is a comprehensive set of liberties to safeguard every individual's right to lawful access of their personal health information; to prevent unauthorized access to that information; to promote its best possible accuracy; and to seek proper remedy when *any* such privilege is violated.

The motive for unauthorized, illegitimate, and criminal invasion of a person's health information covers a broad range: from prying to profit to otherwise unattainable patient care. However, no rationale for denying, invading, and misinforming or mismanaging one's health information rises above one's right of access, security, accuracy, and responsible portability.

As America's foremost authority on the proper management of health information, we set forth this slate. We stand—in authority—behind the validity of each of these protections as we stand beside the individuals whose rights these protections seek to defend.

## AHIMA HEALTH INFORMATION BILL OF RIGHTS

### *A Model for Protecting Americans' Health Information Principles*



#### **The right to access your health information free of charge**

You, the healthcare consumer, must have the right to read and review your healthcare information and clarify data thought to be inaccurate or missing. You should be able to obtain a copy of your health information for your personal use. You need to be aware that in some states and other jurisdictions where laws and regulations place conditions on—or prohibit—unconditional free access, said laws, statutes, and regulations must be adhered to.



#### **The right to access your health information during the course of treatment**

You or your personal representative should have concurrent access to your health information during the course of treatment. Your healthcare provider should have policies and procedures to address a consumer's request to access their health information during hospitalization or while undergoing diagnostic and treatment services on an ambulatory basis. A request to view your health information should not be denied solely because that information is incomplete.



#### **The right to expect that your health information is accurate and as complete as possible**

You, the healthcare consumer, should expect that your health information is accurate and as complete as possible. Inaccurate or incomplete health information not only prevents you from obtaining a clear understanding of your overall healthcare picture but can also be an impediment to your proper care.



#### **The right for you or your personal representative(s) to know who provides, accesses, and updates your health information, except as precluded by law or regulation**

You, the healthcare consumer, and those legally empowered to act on your behalf have the right to know who accesses your healthcare information and the source of that information. You should expect security systems to be in place to protect the privacy and security of your healthcare information from unauthorized persons or for illicit purposes. Today, many electronic health record (EHR) systems do not have the capability to produce such information and consumers, along with healthcare providers, should join together to ensure these protections are included in these systems.



#### **The right to expect healthcare professionals and others with lawful access to your health information, to be held accountable for violations of all privacy and security laws, policies, and procedures, including the sharing of user IDs and passwords**

You, the healthcare consumer, have the right to expect organizations will hold staff and business associates accountable for any improper access to, or use of, your health information. You have the right to expect any breach of your protected health information to be handled promptly and thoroughly as prescribed by law and that you will be notified and assisted in any breach follow-up actions.



#### **The right to expect equivalent health information privacy and security protections to be available to all healthcare consumers regardless of state or geographic boundaries or the location (jurisdiction) of where the treatment occurs**

You, the healthcare consumer, frequently receive healthcare services across state and organizational lines. As a result, health information flows routinely across jurisdictional and geographic boundaries. The protections available to any given healthcare consumer should not be determined by which side of a state line he or she resides or seeks treatment. If America cannot achieve federal uniformity to protect patient confidentiality and privacy, there should at least be assurance, through state regulations and industry practices, that equivalent protections are available for everyone.



#### **The right to the opportunity for private legal recourse in the event of a breach of one's health information that causes harm**

You, the healthcare consumer, do not have a private right of action for breach of confidentiality under federal law. As a result, your ability to take legal action depends upon applicable state laws when existing safeguards have not effectively addressed your grievance. This results in inequalities in the protections available to healthcare consumers. If America cannot achieve federal uniformity to provide a private right of legal action, the right should exist through state regulations.