

HEALTH PRIVACY: A FACT SHEET FOR PENNSYLVANIA CONSUMERS

Brought to you by the Pennsylvania Insurance Department

Consumers Have Rights

You have a right to privacy, and health information collected on applications from filing claims, and during other insurance transactions, is considered confidential. Pennsylvania's newly enacted health privacy regulation promotes an appropriate balance between the protection of consumer health information and the uninterrupted performance of common insurance functions.

What does it mean?

The regulation explicitly states that your health information cannot be sold or used for marketing purposes without their prior, written authorization. It protects you from unwanted medically targeted solicitations. For example, a person who is diabetic has the option to decide whether or not they wish to receive solicitations from diabetic suppliers.

Licensees of the Insurance Department, such as insurance companies, producers, viatical brokers, and third party administrators, are required to mail and subsequently receive authorization forms signed by a consumer before his or her health information can be released.

Bail bondsmen, motor vehicle physical damage appraisers, governmental health insurance programs and licensees that are compliant with the federal Health Insurance Portability and Accountability Act (HIPAA) privacy regulations are exempt.

Ways Information is Disclosed

Authorization to disclose health information must be in written or electronic form and contain the following information:

- the consumer's identity;
- a general description of the type of information to be disclosed;



- a general description of the parties who will be receiving the disclosed information;
- the length of time the authorization is valid (up to a maximum two-year time period); and
- the signature of the consumer authorizing the distribution.

Authorization is not required if the disclosed health information is usual, appropriate or acceptable for the purpose of performing one of the 33 insurance functions outlined in the regulation.

Examples are claims administration, underwriting, ratemaking and fraud detection and prevention.