



THE ENBRIDGE OIL SPILL AND YOUR RIGHT TO MEDICAL PRIVACY UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

The U.S. Department of Health and Human Services has recently become aware of reports that Enbridge, Inc., may have misled or coerced individuals whose health was potentially affected by the recent oil spill in Marshall, Michigan, to sign forms authorizing the broad release of medical records to Enbridge upon referral to a local family health center.

The Health Insurance Portability and Accountability Act (HIPAA) protects the privacy and security of individuals' health information in certain ways and provides individuals with certain rights with respect to their health information. If you believe your health may have been affected by the recent oil spill, you should be aware of the following rights afforded to you by HIPAA:

- Under HIPAA, health care providers may disclose your health information so they can be paid for their services, but they may only disclose the minimum amount of information needed for this purpose.
- HIPAA also permits health care providers and certain other entities to disclose your health information for treatment and other specified purposes such as public health, but a signed, HIPAA-compliant authorization is otherwise required for use or disclosure of your information.
- HIPAA requires such authorizations be in plain language, and contain specific information regarding:
 - the information to be disclosed;
 - the entities disclosing and receiving the information;
 - the expiration date of the authorization;
 - your right to revoke the authorization;
 - the ability or inability to condition treatment on the authorization; and
 - the potential for information to be re-disclosed.
- You may not be coerced into signing a HIPAA authorization in exchange for treatment.
- You may amend a written authorization to limit its scope. (If you believe the authorization is too broad, you may strike certain portions or rewrite it.)
- You may revoke an authorization in writing at any time.
- A health care provider may not deny you treatment because you have not signed a HIPAA-compliant authorization unless the treatment is research-related, the treatment is solely to prepare a report for a third party, or a health plan needs information for enrollment purposes.

If you have any questions about your rights with respect to the release of your personal medical information, please contact Christina Heide of the HHS Office of Civil Rights at Christina.Heide@hhs.gov or 202-619-0403.