



Association of American Physicians & Surgeons
 The Voice for Private Physicians Since 1943
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PATIENT PRIVACY PROTECTION PETITION

WHEREAS: The confidentiality between a physician and patient is the foundation of the trust upon which the patient-physician relationship is built;

WHEREAS: A physician can only do his best when the patient trusts him and is willing to confide in him freely;

WHEREAS: The patient's right to specifically decide how his records are used and who can read his private medical information – this is called consent – has been the most important and effective way a patient can protect his privacy;

WHEREAS: On April 14, 2003, new federal privacy rules go into effect that destroy a patient's right to give or withhold consent for use or disclosure of his private medical record as a result of a 1996 bill passed by Congress called "HIPAA";

WHEREAS: Without this right to consent, patients cannot decide who is allowed to read their personal medical file, including computerized records, insurance claims, paper records, handwritten notes, histories and comments – even decades-old records and psychiatrist notes;

WHEREAS: Instead of being asked for consent before their files are passed around, patients will only be advised how their records may be used and who may read them;

WHEREAS: Almost anyone will be able to surf patient records databases, including law enforcement, government administrators, employers and insurance company employees;

WHEREAS: Because of these government regulations, patient medical records can be intentionally or mistakenly disseminated and accessed in government, insurance company, employer and other databases by authorized or unauthorized people with a stroke on a computer keyboard, unless stringent security protections are in place;

WHEREAS: Enforcement of the Security Rules adopted under HIPAA will not begin until 2005, two years after the Privacy Rules;

WHEREAS: Patients must now rely upon enforcement of government regulations to protect their privacy rather than their own consent, and without the Security Rules in effect, privacy violations are likely to occur;

WHEREAS: This lack of trust in a physician's ability to protect his patients' records will result in a chill on patient-physician communication, resulting in poorer quality of medical care, and other harm to patients;

THEREFORE: *We join the Association of American Physicians and Surgeons in calling for a minimum two year delay of implementation and enforcement of the federal privacy regulations under HIPAA until the Security Rules are in effect as well.*

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