

DEVELOPMENTS AND TRENDS IN THE LAW

Question:

How are states protecting the privacy of health information held by health care providers?

On April 14, 2001, the Federal Health Privacy Rule, which grants patients greater access to their medical records and more control over how their personal health information is used, took effect. The Rule addresses, among other things, the obligations of health care providers to protect health information. The Rule, however, does not preempt stronger state laws governing the privacy of medical information. It is therefore extremely important to determine how each state is protecting health information held by health care providers.

The following article by Joy Pritts argues that because the Rule only preempts conflicting, less protective state laws, there is still room for states to protect their citizens by retaining or enacting health privacy protections that mirror and improve upon those in the Rule. Following her piece is a synopsis of each state's existing case and statutory law on the subject, which has been produced by the *Journal's* editorial staff. For the purposes of this state-by-state analysis, "health provider" primarily means hospital, physician, nurse practitioner, physician assistant, and mental health professional.

