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## **Privacy Doublespeak**

By Ralph Stephens, BS, LMT, NCTMB

As readers of this column are aware, I am not a big fan of health insurance. I prefer to work for the patient, not an insurance company. I place a high value on the confidentiality of the patient-therapist relationship. I also place a high value on my privacy; therefore, I am very sensitive to the privacy of patients and their records.

Relatively new federal regulations regarding privacy of medical records became effective in April of this year. These regulations are artifacts of the socialized health care system proposed by the Clinton administration early in its first term. Fortunately, their original proposal failed; had it passed, massage therapists would have been restricted to purely relaxation massage, or would have had to work for a physician or hospital - unless they wanted to become felons. It would have been bye-bye to private practice and first-door provider status.

Several concepts of this proposal reemerged as the Kennedy-Kasselbaum Bill, also known as the Health Insurance Portability and Accountability Act (HIPAA) of 1996. This 1,500-page bill was signed by Bill Clinton and implemented by George W. Bush. It is a bipartisan effort to set the stage for socialized medicine and to give the government complete access to all patient records for virtually any reason. This will, if allowed to evolve, give the government control over every aspect of our medical care. Remember, the government that controls the health of its people controls its people.

Its very name is deceiving; the terms "portability" and "accountability" might lead the typical person to assume this bill is to protect their medical privacy and allow them to change jobs and keep insurance coverage. That is a faulty assumption; rather, HIPAA is designed to protect the government's right to privacy as they collect and use your medical records however they see fit. The days of "government for the people, by the people" have become the times of "government for the government, by the government."

HIPAA is now in its data collection phase. All providers that file electronically must comply, according to published schedules. Electronic filing is much more efficient than paper filing, often allowing for higher reimbursement rates and faster claims payments. For these advantages, most providers file electronically, therefore they must comply. So, if you must comply, that compliance means turning over your patients' records - all of them, everything you know about them - to the government's new database.

Interestingly, filing manually or "paper-filing" compliance is not required - yet; therefore, you can legally avoid turning over your patients' privacy to the government for a while by filing manually. Unless you support more government control of your life, you might want to encourage your physicians, providers and colleagues to "paper file." Full enforcement is not scheduled to begin until 2005. There is still time to get this changed!

If you must comply, it is your duty to explain the outrageous intrusion this requirement is on your patients. Inform your patients ("clients," whatever you call them) that you will have no choice but to release their records to government agencies; insurance companies; direct mail marketers; law enforcement agencies; researchers; and other parties. If you don't, the database will. The HIPAA consent form I have seen is nothing more than a "Miranda warning," advising patients that anything they say or put on their forms may be used against them. I am being brief and superficial, but the more you know about HIPAA, the worse it becomes. Isn't this creating a great environment in which to practice health and wellness care?

It gets worse. In the name of patient privacy, offices and clinics are supposed to have separate entrances and exits, so patients don't see each other as they enter and leave. Does your waiting room have separate, private cubicles for each patient so they cannot see each other? Do you call your patients by name? If so, you are "invading their privacy" if anyone else is within hearing distance. You should call your patients by a number or code. How healing.

Isn't it interesting that after all this hype about protecting patients' privacy, the information you submit as part of their insurance claims is made available to anyone who can get into the database to be used against both patients and providers? This is the "double-speak" of today's regulatory environment. If you like this, if you believe in this, then you'll love what's to come. If you don't, you'd better start fighting with both hands to defend your rights and your patients' rights. Educate your patients and get them involved. Once rights are taken, they will not be easily returned.

There is potential help: The Association of American Physicians and Surgeons (AAPS) is fighting HIPAA. They have forms that help providers legally avoid HIPAA and explain it to patients. They are also working to repeal HIPAA with a bill that has been introduced in the House of Representatives. If you care about this, you should help support these efforts. Visit the AAPS Web site at [www.aapsonline.org](http://www.aapsonline.org).

Of course, if you are a fan of socialized medicine and believe the government is going to better the lives of alternative providers (like massage therapists) when, in reality, they completely control us, good luck in your compliance efforts. I hope your office remodeling is enjoyable and the payback on your investment is prompt.

Be sure you are also providing the government with a huge amount of information about yourself and your practice by filing your patients' records with the insurance/government database. The information can be used against you, too!

If you do not want to be a government spy by collecting and providing the most private, personal information on your patients to the government (for who knows what purposes), you must join the fight for freedom of choice and privacy in health care, now!

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Click [here](#) for more information about Ralph Stephens, BS, LMT, NCTMB.



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