

The Elimination of Consent

1996

Congress passed HIPAA, and instructed the Dept. of Health and Human Services (HHS) to address the rights of patients to privacy.

“Not later than the date that is 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to [Congress]...detailed recommendations on standards with respect to the privacy of individually identifiable health information.”

2001

President Bush implemented the original HIPAA “Privacy Rule” recognizing the “right of consent”.

“...a covered health care provider must obtain the individual’s consent, in accordance with this section, prior to using or disclosing protected health information to carry out treatment, payment, or health care operations.”

2002

Amendments to the “Privacy Rule” became effective eliminating “right of consent”.

“The consent provisions...are replaced with a new provision...that provides regulatory permission for covered entities to use and disclose protected health information for treatment, payment, healthcare operations.”

patientprivacyrights