

Response to public comments

The commenter addressed a formatting issue under section two which has been corrected. Also noted was a suggestion to include the area code where telephone numbers are being requested. To address this concern, parenthesis were added. The last comment was to change a word in the last paragraph which is a disclaimer. This recommendation is not being addressed. By changing the word it changes the meaning of the sentence and would make the statement incorrect.

Several articles were submitted which includes: a brochure on “Leveraging data to provide integrated, member-focused healthcare”, a former health insurance PR executive on “An insider dissects the health insurance industry”, a document on “Improving quality of care for patients with cardiovascular diseases and stroke” and “Transforming healthcare through secondary use of health data.”

We received a comment that noted factors that may affect health information privacy, including, for example, the use of data mining technologies and wireless devices for sharing personal data. The commenter also noted the value that businesses are placing on the use of health information to conduct commercial activities, which makes health care data a potential target. The commenter also noted that once health care data is breached, it is difficult or impossible to provide appropriate remedies.

The commenter specifically asked what CMS would do if data were to be comprised.

The Medicare Authorization to Disclose Personal Health Information form is intended to provide the individual the ability to authorize the release of his/her personal health information held by CMS to a third party. The authorization is at the direction of the individual and not at the discretion of CMS. How the third party uses the individual’s information is not within the purview of the agency to oversee. Therefore, CMS is not in position to remedy a misuse or breach of information that an individual has authorized CMS to release to a third party.

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