

Federal privacy regulations are nothing but a pain

A couple of things are pretty obvious.

After listening to taxpayers and citizens at public meetings, people don't much like the new government regulations under the Health Insurance Portability and Accountability Act, popularly known as "HIPAA."

The other is, having their regulations in place, the federal bureaucrats have no intention of letting go. The so-called privacy lobby in Washington is far too strong to let that happen. And neither group much cares what we think out here.

After listening to voters in town after town on his 69-county "Listening Tour" of the 1st Congressional District, Rep. Jerry Moran said he is ready to try to do something about the law. The question is, what?

The HIPAA regulations, which



Steve Haynes

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have cost the medical and insurance industries billions thus far, sprang from just two lines in a law, known then as the Kennedy-Kassebaum Bill after our own former U.S. Senator. That section authorized the secretary of Health and Human Services to write regulations covering patient privacy rights.

The law was passed in 1996, and Rep. Moran likes to note that he was sworn in too late to vote on it. The privacy regulations did not go into effect for another seven years.

At first, the alarm came mostly

from groups worried about open access to public records, but lately, the average citizen has started to figure out that the new rules are a pain.

It's likely that much of the trouble stems from the fact that the rules, progeny of a two-sentence section of a seven-year-old law, occupy most of a small book. No one understands them, save maybe the bureaucrats who wrote them.

Supposedly, patients have the right to decide how their own information is used. However, most hos-

pitals have stopped offering people the option of being included in a public directory or of having their name released to newspapers, radio stations, ministers and the like.

Some hospital administrators say they can't do that; others say their lawyers have advised them not to get involved. Stiff fines, up to \$10,000 per occurrence, have many in the health care industry scared.

Others may just have a personal bias against letting patient information out.

Federal officials say there are exceptions in the law for information to go to ministers and the press, for example, but most hospitals seem to be unaware of those. Hospitals can offer people a chance to be in a directory or have their name in a published list of patients so their friends will know where they are, but it's just not happening.

Hospitals and nursing homes are supposed to work with people and tell them whether they have, say, your mother, but many don't know or don't care. They are scared of breaking the law.

And ordinary people, citizens, voters, are unhappy.

But what to do about it? That's Rep. Moran's problem.

There's little chance the rules will be repealed. The people who put them there stand in the way. The bureaucrats actually think they have done something wonderful.

Richard M. Campanelli, director of the Office of Civil Rights at Health and Human Service, spoke this month to members of the National Newspaper Association. He defended the regulations, saying they gave people power over their own medical records.

To the extent that's not happen-

ing, he said, it's mostly because people don't understand the new rules. How the average person, in or out of the medical field, could understand, is a question he avoids.

The rules may have been written to correct some real problems, but like most federal regulations, they do far more.

"They push government control into every corner of the health industry. Nursing homes, hospitals, doctors and pharmacists, all have spent untold hours and untold billions trying to comply.

In an era when health care costs are soaring, why is the government doing this?

To help us, of course.

We may not like it, but the people in Washington plainly do not care. They think they know best. — Mr. Haynes is co-owner of Nor'West Newspapers.

Amended fax rules could cause small businesses to suffer

The government is helping folks again — helping put us out of business.

As part of the Do-Not-Call law, the Federal Communications Commission amended its regulations to restrict the use of faxes for business.

The commission ruled that no one can send a fax with advertising information on it without having the written permission of the person to whom it is sent. This permission is good for three years.

You can't get permission by faxing someone a sheet. It has to be mailed to them, even if they have



Cynthia Haynes

Open Season

asked that you send them information.

Advertising information can be as little as your letterhead with a logo or slogan.

If you decide to do a little remodel-

ing and want bids from two or three contractors, they won't be able to fax you the information.

If you want to send a bill to a customer who asks you to fax it to them, you couldn't unless you had their

written permission to fax them first.

If you wanted the proof of an ad, a copy of a legal document, a bill, a bid, a purchase order, a set of plans or just about anything other than a letter from your grandmother, you'd better have sent the person faxing you written permission.

Worse yet, if you run a commercial fax business, you are liable for what other people send out on your line.

The government, in its infinite wisdom, has put off implementation of this rule until January. However, after that violators can be sued

for up to \$1,500 per fax.

In the cities, lawyers are gathering unsolicited faxes and paying \$2 each with the understanding that they can sue the sender and collect any damages for themselves.

What does all this mean?

It'll cost everyone more to do business. That means that it'll cost the consumers more for goods and services. Businesses will not be able to give the kind of service that they should be able to provide because they'll be afraid of being sued.

And for what? Who gets so many faxes that they feel threatened by

the overload? Once, before e-mail spam, there were a lot of junk faxes. But now, why would anyone spend money sending faxes when they can junk up your e-mail for free?

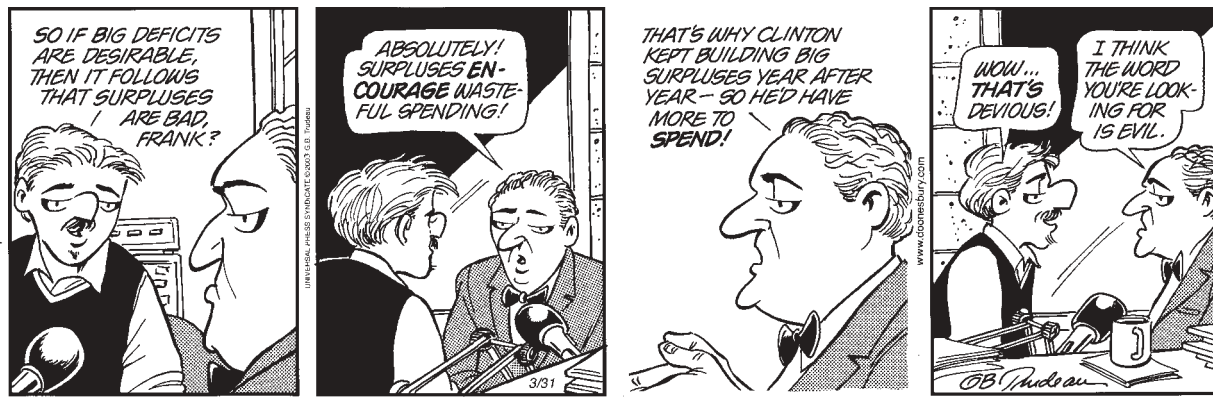
This is another example of the government offering a steam shovel to swat a fly which has already flown off.

And, of course, the government will be exempt from the rules. As usual.

"We're from the government. We're here to help you." — Mrs. Haynes is co-owner of Nor'West Newspapers.

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Gary Trudeau



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