

HEALTH LAW AND INSURANCE

Understanding laws related to health care and insurance coverage is an important way to empower oneself as a patient and a consumer. The sections that follow will cover some basic topics in these areas.

UNLICENSED PROVIDERS

California has laws which regulate and define the practice of medicine. Individuals may not practice any type of “system or mode” of treating illnesses or health conditions unless properly licensed by the State of California. A conviction for the unlicensed practice of medicine in California may result in fines of up to \$10,000 and may include jail time. Business and Professions Code §2057.

Records of authorized medical practitioners and certain other health care professionals can be obtained through the Medical Board of California website (see below for more information). The website also provides links to supervisory agencies for the health professions which the Medical Board does not oversee. The Medical Board of California also serves as a disciplinary agency for physicians and other health care professionals.

PRIVACY AND CONFIDENTIALITY

Federal and state laws protect the privacy of the health information of a patient. California law affords a higher level of protection of health information and medical records as compared to many other states.

Typically, health care providers must obtain written authorization from patients before releasing health information. However, health care providers may share protected health information with patients and with other health care personnel for the purpose of providing care and treatment without first obtaining written authorization. Health care providers may also share information with insurance companies for claim and billing purposes. 45 Code of Federal Regulations §164.502.

The State of California applies additional protections to health information related to “outpatient treatment by a psychotherapist.” Requests for this type of health information must be specific and must include the length of time the information will be retained. Civil Code §56.104.

HEALTH INSURANCE

Health insurance plans vary greatly in their organization and the treatments and procedures they cover. You should read your health plan thoroughly to understand what is covered by your health insurance and what is not.

Consumers should take steps to be prepared for possible emergencies, including “out-of-area” emergencies, before they occur. Students planning to participate in a study abroad program or travel to another country need to educate themselves about what their insurance company requires in the event a health emergency occurs overseas.

DISCRIMINATION DUE TO A HEALTH CONDITION

Individuals with disabilities related to certain health conditions are protected under state and federal law. An employer may not discriminate against an employee with a disability if the employee is able to perform his or her necessary job functions without accommodation or with reasonable accommodation. 42 United States Code §§ 12111-12113.

Places of “public accommodation” are also prohibited from discriminating against individuals based on disability. Public places such as businesses, restaurants, hotels and many others must design and build their facilities to meet accessibility standards set forth in the Americans with Disabilities Act. 42 U.S.C. §§ 12181 *et seq.*

Getting Help

General Legal

Student Legal Services, 858.534.4374 or <http://sls.ucsd.edu>

Information Regarding Physicians and other Health Professionals

Medical Board of California,

916.263.2382 or

<http://www.medbd.ca.gov>

1426 Howe Avenue #54

Sacramento, CA 95825

Privacy Information

State of California, Office of Privacy Protection,

1.866.785.9663

<http://www.privacyprotection.ca.gov/>

Americans with Disabilities Act Information

www.ada.gov

U.S. Department of Justice – ADA Information Line,

1.800.514.0301 (voice) or

1.800.514.0383 (TTY)

Health Insurance

California Department of Insurance – Glossary of Health Insurance Terms,

<http://www.insurance.ca.gov/0100-consumers/0070-health-issues/health-insurance-terms.cfm>