

Summary for Clinics
State of New Hampshire Medical Records Privacy Laws

I. Summary

New Hampshire has a general health records law¹ that addresses the privacy, security and release of protected health information and a patient's right to access their healthcare records, regardless of recorded form or medium. Such law requires all entities meeting the definition of "healthcare providers" to protect the privacy of such records and provide such records to a requestor when presented with a written authorization signed by the patient. HIPAA transmittal and protection requirements should be applied to the care, storage and transmittal of all medical records generated or held by PMCs operating in New Hampshire. Under New Hampshire law, both PRCs and PMCs have an obligation to provide notice of any unauthorized access to electronically stored personal information of clients.

II. Do the requirements of the law apply to New Hampshire PRCs? To PMCs?

New Hampshire's definition of "health care provider" is broader than the federal HIPAA definition and is applicable to "any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, hospital, office, clinic, health center or other health care facility, dentist, nurse, optometrist, pharmacist, podiatrist, physical therapist, or mental health professional, and any officer, employee, or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services."² Based on this definition, the provisions of the law are applicable to PMCs but not PRC's.

III. Does New Hampshire law define "Protected Information" differently than HIPAA?

New Hampshire law adopts the same definition for "Protected Health Information" as found in the federal HIPAA regulations.³

IV. Are there any specific compliance requirements for PMCs under New Hampshire law not identified in the NIFLA HIPAA VOLUNTARY COMPLIANCE MANUAL FOR PMCs?

New Hampshire PMCs should apply the voluntary compliance standards found in the NIFLA HIPAA Voluntary Compliance Manual for PMCs for the handling of all medical records, regardless of form.

V. Are there any specific New Hampshire law provisions applicable to PRCs?

New Hampshire law requires any collector of computerized personal information (first name or first initial and last name in connection with a social security number, driver's license number, credit card number or other account numbers) to notify the owner of the information if there is an unauthorized access or breach of unencrypted data immediately upon discovery of the breach.⁴ PRCs and PMCs are strongly encouraged to install encryption software on their computer systems to minimize the risk of a breach.

¹ N.H. Rev. Stat. Ann. §332-I:1 et seq.

² Id.

³ Id.

⁴ N.H. Rev.Stat. Ann. §359-C:19 –C:20