

Summary for Clinics
State of New Jersey Medical Records Privacy Laws

I. Summary

New Jersey has within its Administrative Code several sections that address privacy of medical records and a requirement for a policy for protection of medical information for all persons or entities who are licensed by the Board of Medical Examiners which are applicable to PMC's; however, these sections do not identify any specific standards for protecting and transferring medical records. PMC's would be advised to adopt the medical records protection standards found in the **NIFLA HIPAA Voluntary Compliance Manual for PMC's** as the basis for their records protection policies. Under New Jersey law, both PRCs and PMCs have an obligation to provide notice of any unauthorized access to stored personal information of clients.

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

New Jersey law requires all "licensees" in the medical profession to adopt a policy for protection of medical records.¹ Licensees are defined as "any person licensed or authorized to engage in a health care profession regulated by the (New Jersey) Board of Medical Examiners."² PMC's with licensed practitioners on their staff would be required to comply with the New Jersey laws. The laws would not apply to New Jersey PRC's unless they engage in activities requiring licensing or licensed personnel.

III. Does New Jersey law define "Protected Information" differently than the HIPAA Definition?

New Jersey law has no specific definition for protected information. PMC's should apply the same definition found in HIPAA

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

It is highly recommended that PMC's follow the **NIFLA HIPAA Voluntary Compliance Manual for PMCs**.

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

New Jersey 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, etc.) to notify the owner of the information if there is an unauthorized access or breach of data immediately upon discovery of the breach.³ PRCs and PMCs are strongly encouraged to install encryption software on their computer systems or insure their server systems have encryption to minimize the risk of a breach and limit the liability connected with such breach.

¹ N.J. Admin. Code §8:43G-15.2

² N.J. Admin. Code §13:35-6.5

³ N.J. Stat. §56:8-161