

Summary for Clinics State of Alaska Medical Records Privacy Laws

I. Summary

Alaska has multiple laws addressing the collection, use, protection, and rights of access to healthcare records, regardless of recorded form or medium. The laws require “healthcare practitioners” to protect the confidentiality of such records and to provide such records to a requestor when presented with a written authorization signed by the patient. The law does not address any specific standards for the protection of medical information in regards to safe keeping or form of transmittal. In general, application of HIPAA requirements should be applied to the care and transmittal of all medical records in Alaska. Under Alaska law, both PRCs and PMCs have an obligation to provide notice of any unauthorized access to any stored personal information about clients.

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

The requirements apply to Alaska PMCs because they meet the definition of “health care practitioner” under the Alaska health records law which is very broad and encompasses “. . . any person that provides health care services, including any medical clinic or medical office.”¹ This would include any medical facility operating with licensed nurses, or operating under the direction of a licensed physician. The provisions of the law are not applicable to PRCs.

III. Does Alaska law define “Protected Information” differently than HIPAA?

Alaska law defines “identifiable health information” as “. . . any information, in any form relating to an individual’s ‘physical or mental health status, condition, treatment, service, products purchased, or provisions of care’ when the information either (A) reveals the identity of the individual whose health care is the subject of the information, or (B) provides the basis, by itself or in combination with other reasonably available information, from which the subject individual’s identity could reasonably become known to the recipient of the health information.”² This definition expands the protected information coverage to all healthcare records, not just electronic records, including oral communications between a patient and a health care provider.

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

Alaska PMCs should apply the voluntary compliance standards to all medical records, regardless of form.

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

Alaska requires any collector of 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.³ PRCs and PMCs are strongly encouraged to install encryption software on their computer systems to minimize the risk of a breach.

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¹ Alaska Stat, §18.15.395 (11),(12)

² Alaska Stat, § 18.15.395 (13)

³ Alaska Stat. § 45.48.010 et seq.

