

California State Laws



Confidentiality of Medical Information Act (CMIA)

The items listed are the main areas where California has stricter or additional requirements than HIPAA.

RELEASE OF SENSITIVE INFORMATION

- Both California and federal law require authorization to release psychotherapy notes and records of substance abuse treatment. California also gives you more control over the release of information that is considered “sensitive” by requiring a separate signed authorization for them. One example of sensitive information are the records for the treatment of HIV and sexually transmitted diseases.

OPT-IN CONSENT:

- California currently requires covered entities to obtain your opt-in consent to share information electronically. The alternative would be assuming that you consent and then requiring you to opt-out of electronic record sharing. For now, California’s Health Information Exchange opt-in requirement applies only to federally funded Health Information Exchange demonstration projects.

UNAUTHORIZED ACCESS AND BREACHES:

- California defines unauthorized access to include the inappropriate review or viewing of patient medical information without a direct need for diagnosis, treatment or other lawful use.
- California has stronger requirements for notifying individuals about health information security breaches. Healthcare providers are required to report incidents of unauthorized access, use, or disclosure of medical information to the California Department of Public Health, and to the affected patient without unreasonable delay, and no later than 15 days after the breach was detected.