



Topic for the Month:

Privacy and Identity Theft

Mark A. Bartels

Philip J. Danen

John P. D'Angelo

Marc A. Hammer

Timothy A. Hawley

Steven D. Hitzeman

Sandra L. Hupfer

Robert J. Janssen

Michael J. Kirschling

Evan Y. Lin

Jackson T. Main, Jr.

Lora A. Matzke

Peggy L. Miller

Christina L. Peterson

Kathryn M. Reinhard

Patricia J. Sandoz

C. David Stellpflug

444 Reid St., Suite 200

De Pere, WI 54115

920-336-5766

920-336-5769 (fax)

866-525-5200 (toll-free)

wislawyers.com

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Health Insurance Portability and Accountability Act (HIPAA) is a National Standard to Protect the Privacy of Personal Health which became effective on April 14, 2001. The rule sets national standards to protect individual's medical records and other personal health information. A compliance date of April 14, 2003 was established. By that date, covered entities were required to implement standards to protect and guard against the misuse of individually identifiable health information.

Providers and Health Insurers who are required to follow the HIPAA regulations must comply with your right to . . .

- Review and copy of your health records.
- Request corrections to be made to your health information.
- Receive a notice that tells you how your health information is used and shared.
- Decide whether to give your permission before your information can be used or shared for certain purposes.
- Get a report on when and why your health information was shared.
- Be contacted somewhere other than your home.

If a patient's privacy rights are violated, the HIPAA regulations hold violators accountable, with civil and criminal penalties which can be imposed.

To learn more about HIPAA privacy rights, visit the Department of Health and Human Services website: www.hhs.gov/ocr/hipaa.

Identity Theft: Someone has used your credit card, or credit card number, without your authorization. What are your rights? What are your responsibilities? Are you liable for any unauthorized charges? These are all things which come to

mind in that moment of panic when a credit card, wallet or purse is lost or stolen.



What is "unauthorized use?" Under the Federal Law (15 U.S.C. Section 1643) the term "unauthorized use," means a use of a credit card by a person other than the cardholder who does not have actual, implied or apparent authority for such use and from which the cardholder receives no benefit. If unauthorized use occurs, a cardholder shall be liable only if . . . (B) the liability is not in excess of \$50. Note: the \$50 maximum is \$50 per card, so if the thief stole your wallet with five credit cards, you have exposure of up to \$250. For more information on federal protection of consumer rights, go to the Federal Trade Commission website: www.ftc.gov.

If your credit card is lost or stolen: If you lose your credit card or detect that unauthorized charges have been made, you should immediately contact the card issuer. Most companies have a toll free 24 hour hotline number to call. If you suspect fraud, the card issuer may have you sign an affidavit or statement under oath that you did not make or authorize the purchases in question. Most credit card companies provide on-line access to account information. By periodically checking your charges, you can be proactive in spotting any potential fraudulent activity.

Tools to Protect Yourself: Credit card and identity theft fraud costs consumers over \$1 billion annually. Insurance companies are now offering identity theft insurance. Some credit card companies offer a credit monitoring service, which includes a daily check of your Equifax credit report and e-mails for triggering activity, such as address change requests or the opening of a new account. The sooner you know about potential fraud, the sooner you can take action.

Family Law Department Back to Full Strength: After taking a short sabbatical, we are pleased to welcome Attorney Peggy L. Miller back to our firm. Attorney Miller is a member of our family law team, which is headed by senior partner Marc A. Hammer.



Peggy L. Miller & Marc A. Hammer