Medical Identity Theft, Doctor Patient Privilege, Gun Laws and You - What You Need to Know

January 17, 2013 - You may think this is a bit of an odd topic. Frankly, so do we. What do laws regulating guns have to do with either medical identity theft or doctor patient privilege? Well, until yesterday, the answer would have been, "absolutely nothing." But that all changed yesterday when President Obama issued 23 new executive orders in an attempt to impose new regulations on gun purchases and gun owners. And those executive orders that are targeted at gun owners actually impact everyone.

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Several of the executive orders yesterday in the name of gun regulation were aimed directly at the health care industry. When healthcare reform was passed by Congress two years ago, one of the primary issues we had with the bill was that it pushes doctors to convert from paper to electronic records. These records will be accessible through a central database. Doctors that don't comply can face fines and even revocation of their licenses.

Some of the orders issued yesterday are a clear push to speed that process up and to include more information in those records regarding mental health. Bottom line is that anyone who sees a psychiatrist and who uses insurance to pay for it is going to find that information on their condition is being pushed into a government run database.

That's not just a privacy concern. The government's record of protecting highly personal information contained in government run databases is abysmal. Once this conversion takes hold, it will provide a huge target for both traditional and medical identity thieves.

In some cases, release of information with mental health professionals could have negative consequences far beyond ID theft. Patients have traditionally felt like they could tell their doctor's anything without any real risk of that information becoming public. Under the new system, even if patient data is never stolen or hacked, the government will have access to it. Who knows how that will be used? And if the data is ever stolen, it could leave patients susceptible to additional crimes such as blackmail. In the worst cases, it could lead to situations that are so embarrassing or emotionally devastating that families are broken up. It isn't hard to see how people being treated for depression could actually be worse off as a result of seeking treatment. Just the thought of it is depressing.

But one of the orders signed by the President yesterday takes the issue of privacy and doctor patient privilege to a new - and in my opinion, Orwellian - place. It is an order that authorizes doctors to ask patients if they are gun owners. Think about that for a second. If you own guns, that information is going to be placed in your medical records for the rest of your life. And if the doctorâ€¦ in his or her sole discretionâ€¦ determines that for whatever reason that you really shouldn't be in possession of a weapon, the order appears to allow the doctor to report you to the government. Wow!

This particular order is much more far reaching than it sounds. It isn't just a matter of your doctor asking you if there is a gun in your house. They can ask your spouse and your kids the same question. If the answers aren't the same for everyone, we're not sure what will happen but it is a safe bet that at some point the federal government might take an interest in the discrepancy.

Once again, having this information included in medical records could very well turn some patients into victims. If a patient's records are hacked, and the hacker can identify that person as a gun owner, would some people be tempted to target their homes so that they can steal their guns? Well, if what happened a couple of weeks ago is any indication, the answer to that question is "Yes."

In the last week of December, a publication in New York called the Journal News posted an interactive map that displayed the names and addresses of registered hand gun owners in two New York counties. Last weekend, at least one home on the map was targeted by burglars and the only thing that they attempted to do was to break into the gun safe in the house. While they were unsuccessful, it doesn't alter the fact that making this type of information available is dangerous. And not just for gun owners. If you don't own a gun, that information could also be made available and it could make you a more attractive target to other criminals.

Including all of this information in central databases may be convenient for doctors, and it may be something that the federal government really thinks is needed. But it is dangerous to virtually all consumers. In the end, it is likely to lead to increases in ID theft and other crimes, and it is going to force patients to decide if they can really afford to be honest with their doctors. It really is a brave new world.

byJim Malmberg
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