

Student Abstract

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Title: Privacy, Pubic Health, and the Electronic Patient Record: A Comparative Analysis of the Laws of Taiwan and the U.S.

Abstract: E-health, including Internet-based prescribing, health advice websites and particularly electronic patient records holds great potential to improve public health. According to the "2005 Healthcare Organization Computerization and Electronic Patient Records Deployment Survey", prepared by Taiwan's Department of Health, 44% of the surveyed healthcare organizations have started to implement, integrate, and circulate electronic patient records. The impediment to the implementation of any electronic patient records is mostly from the fear of infringements to privacy and security issues. To enjoy the public health benefits associated with the emergence of E-health, a legislative effort to provide a solid protection of health information privacy is imperative. This paper will focus on the relationship between electronic patient records and privacy in the U.S. and Taiwan. Laws examined will include the U.S. Health Insurance Portability and Accountability Act and Taiwan's related laws and regulations. The concept of an electronic patient record is highlighted, the role of privacy played in the healthcare sector is explained, and finally the long existing dilemma between the right to privacy and the need to access of health data is presented. Whether current legislative structures in both countries create a suitable environment for electronic patient records is also emphasized. As a result, this paper raises a broader question: Is the ongoing formulation of legislation related to electronic patient records in Taiwan headed in the right direction? This issue will be discussed in connection with the legal analysis arising from the findings and observations of U.S. law and policy.