

Status of Prescription Numbers under the HIPAA Privacy Rule

Manufacturers have the right to dispute or audit state utilization information, and reasonably request claims-level data from states to help resolve Medicaid drug rebate disputes. Under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), we consulted with the Department of Health and Human Services' (HHS) Office of Civil Rights about state disclosure of protected health information, such as prescription numbers, to pharmaceutical manufacturers and third party data vendors for claims validation in the Medicaid drug rebate program. The HIPAA Privacy Rule permits state Medicaid agencies to disclose protected health information, such as prescription numbers, to pharmaceutical manufacturers and third party data vendors that assist the pharmaceutical manufacturers, for purposes of validating claims under the Medicaid Drug Rebate program. This information is provided on the HHS website and clearly states that claims level data, specifically the prescription number, is appropriate to disclose as part of the state Medicaid agency's payment activities. This information is available on the Health and Human Services website at <http://www.hhs.gov/hipaa/for-professionals/faq/456/does-hipaa-permit-state-medicaid-agencies-to-disclose-information-to-pharmaceutical-manufacturers/>