

State law jeopardizes medical privacy for school employees

Medical privacy for public school employees in at least one district has been jeopardized by a new state law, a troubling twist in the continuing controversy over Public Act 106.

Public Act 106 jeopardized the employees' current medical privacy of public employees. The contract is in effect until 2009.

Scores of districts have sought bids from prospective health insurers since P.A. 106 took effect, as the law requires. However, MEA recently learned of a case that confirms concerns about medical privacy raised last fall when the Legislature debated the proposal, then known as Senate Bill 418.

Some employees in Van Buren County's Lawton school district were recently ordered to provide medical history and other private information about themselves, their spouses and dependents. The information went to an independent health insurance agent hired by the district; the agent presumably planned to use the information to provide a bid

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Ed Sarpolus, Director of MEA Government Affairs, said the law "disregards how private medical information can be misused," said Ed Sarpolus, who heads the MEA Government Affairs Department. "Nobody should have to disclose this kind of information to their employer. Anyone who values medical privacy should be concerned."

Members of the Lawton Educational Support Personnel Association include secretaries, custodians, bus drivers, classroom paraprofessionals and food service workers. This is the first known case where

Lawton employees were asked if they or their dependents had been treated during the past 10 years for such ailments as cancer, HIV or AIDS, allergies or multiple sclerosis. Employees were also asked whether they or their dependents suffered from anxiety, depression, autism or eating disorders, and to list the medications they had been prescribed over the previous year. The employees' names were tied to the answers.

Among other things, the Lawton employees were asked if they or their dependents had been treated during the past 10 years for such ailments as cancer, HIV or AIDS, allergies or multiple sclerosis. Employees were also asked whether they or their dependents suffered from anxiety, depression, autism or eating disorders, and to list the medications

they had been prescribed over the previous year. The employees' names were tied to the answers.

As provided, the information could be used to discriminate against workers, even if their medical history doesn't interfere with their job performance, said Art Przybylowicz, MEA's chief legal counsel.

"The information could even be misused by districts to limit or eliminate coverage for

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 certain conditions,” Sarpolus said, adding that districts that don’t provide adequate health insurance might discourage employees from seeking necessary care, or force them to seek employment elsewhere.

Federal law protects personal health information provided to health insurers, most doctors, nurses, hospitals, pharmacies, nursing homes, clinics and many other health

care providers. Public employees such as school districts aren’t similarly subject to the requirements of that federal law, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), unless they operate a self-funded insurance plan, which Lawton does not.

“Before Senate Bill 418 was voted on, we warned the Legislature that medical privacy for thousands of school

employees was at risk,” Sarpolus said. “This law tells school employees that their health and medical information is no longer private.”

MEA lawyers and staff will attempt to ensure that other MEA members are not subject to the same invasion of medical privacy as occurred in Lawton, Przybylowicz said.

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Important Updates:

- **Save the Date** - Quality Education/Quality Employees rally on June 5th—Details to come....
- **Congratulations to all MESPA II members!!** Honorable Mention Statewide MEA PAC contributions.
- Fact Finding hearings regarding contract negotiations will be held May 6th and 7th. We’ll keep you posted.
- Unfair Labor Practice (ULP) hearings were postponed by the judge until
- PAC contribution competition results will be revealed in May’s
- Informer.



Caseville Cottage for Rent on Lake Huron: June 28—July 5 and July 12—July 19. Beautiful sandy beach. To view the location go to: fsboamerica.org. Act as a buyer and enter #162019. Photos and details of cottage are available. If interested, contact Marge Frazier @ 248-682-2538.

Perception Sea Kayak for Sale: A slightly used Carolina kayak, purchased about 6 years ago. It is in good shape, 14’ long with 2 hatches. Asking \$400, comes with paddle. If interested, call Rose @ 248-6811916

If you have an advertisement for the Informer, send it to: mfelegy@ mea.org.
Ads will be run as space permits.