

Can Blockchain Dovetail with Healthcare Privacy Laws?



Blockchain has generated much interest and excitement in healthcare as this emerging technology represents a new paradigm for storing data. With the industry's strict privacy regulations, however, experts are of the opinion that implementing the digital ledger technology won't be easy.

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"It's the implementation – in this regulatory environment, particularly given everything else that healthcare needs to deal with – that's the question," said Attorney Sharon Klein, partner in the health sciences department at law firm Pepper Hamilton and chair of its privacy, security and data protection practice. "Is this something people are going to want to devote time, energy, money to? It has a lot of good applications. But we have so much to do."

Noting that all kinds of data can be stored with blockchain, Klein says the problem is whether the data that is stored can be considered protected health information and therefore regulated. For example, she said, "HIPAA contains a 'patient bill of rights.' So if I, as the patient, want to go see my healthcare records, I just raise my hand and you've got to give them to me. How's that going to work with blockchain?"

Blockchain is an exciting emerging technology, to be sure, but it's one that was barely being talked about back when the privacy and security rules under HIPAA and HITECH were drafted, she pointed out. And as it stands today those laws "probably don't meet with the blockchain technology as it is currently constructed."

Perhaps there are other ways to put blockchain to work in healthcare, even around the margins, that don't go against existing privacy law.

"Are there mechanisms, perhaps at the edges, that are not PHI, not as regulated as PHI, that could be utilised in the way that blockchain in healthcare allows?" Klein said. "You have to start somewhere."

In the near term, Klein said, "the more that private industry self-regulates and has some standard-setting, I think that is going to increase adoption."

Source: [Healthcare IT News](#)

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