

Medicare Data Sharing Program and a Right to Opt Out

June 10, 2011

CDT recently filed comments to a [proposed rule](#) [1] supporting the right of Medicare beneficiaries to opt-out of having their Medicare claims information shared with Accountable Care Organization (ACO) providers. ACOs participate in the Medicare Shared Savings Program, established by the 2010 healthcare reform legislation to improve the quality and efficiency of health care provided to Medicare beneficiaries. CDT directed its comments to the Center for Medicare and Medicaid Services (CMS), urging CMS to retain this opt-out policy in its final rule on Medicare claims data. CDT also urged CMS to ensure that patients understand their right to opt out though improved notice requirements.

CDT's health privacy project has written [extensively](#) [2] on the role of consent in safeguarding healthcare data. Over-reliance on consent can paradoxically result in weak privacy protections, because too often individuals do not fully comprehend the uses and disclosures they are authorizing. However, despite legitimate concerns regarding over-reliance, consent is a crucial privacy safeguard. The ability of patients to have some control over how their identifiable health information is shared is an important element of a comprehensive framework of "[fair information practices](#)" [3], which are the foundation for most privacy law in the U.S.

Read CDT's [complete comments](#) [4] on the CMS policy respecting Medicare beneficiaries right to opt-out.

- [Medicare Shared Savings Program](#)
- [Accountable Care Organization](#)

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Links:

[1] <http://edocket.access.gpo.gov/2011/2011-7880.htm>

[2] http://cdt.org/pr_statement/cdt-paper-rethinking-role-consent-protecting-health-information-privacy

[3] <http://www.ftc.gov/reports/privacy3/fairinfo.shtm>

[4] <http://www.cdt.org/files/pdfs/ACOCommentsfinal.pdf>