

Legal Analysis of the Obligation to Provide Patient Health Data to BPJS

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Abstract – Health is a necessity for everyone in this world, treating diseases is considered expensive so they will choose to maintain health through early prevention and a balanced lifestyle. All diseases will be recorded by a doctor and then referred to as a medical record. Patient Health Data is as important as personal data or identity so it needs to be protected and it is the patient's right to maintain confidentiality. However, some rules can open access to confidentiality for an interest so that the hospital is obliged to open the patient's medical record. The research method used is descriptive qualitative method which uses laws and regulations and journals in analyzing this study. The result is that the legal apparatus in court or at the request of the institutions/institutions listed in the law can have access to disclose the confidentiality of medical records. This also includes BPJS which is a legal state institution based on the law. However, each party needs to follow the mechanism pattern that has been described in the Regulation of the Minister of Health to provide maximum protection for the medical record from leakage and misuse.

Keywords – Health, Medical Records, Laws, Patients.

I. INTRODUCTION

For everyone in the world, health is one of the most basic needs in life. Therefore, the community will strive to maintain their health through a balanced lifestyle such as structured exercise, regular sleep, and healthy and nutritious food to keep the body in a fit state. But not a few people forget this simple life. They enjoy their current life too much (unhealthy food) and forget about exercise so that their body gets less nutrition and movement. This will affect the immune system not stimulated so that germs or bad bacteria can easily enter. In fact, if they do not live a balanced life, it will have an impact on advanced health such as diabetes, for example.

When a chronic disease has attacked, of course, treatment steps will be sought and, in this case, it will cost quite expensive for one treatment. This is why it is far better to prevent the disease from taking over man than to endure daily pain and expenses that keep pouring out. For those who are worried about this, of course, they will take advantage of existing health insurance, both provided by the private sector and the government. Indonesia has an integrated health system called the National Health Insurance (JKN). The JKN was then given the mandate to administer it through the Health BPJS (Social Security Administering Body). This is one of the state facilities offered to the community to assist in medical problems.

Furthermore, patient data or medical records are data that recapitulates the diseases or diagnoses the patient has carried out by the nurse or doctor. This data is very important and confidential, so it needs to be protected in order to avoid misuse. Many questions ask this, but not a few are less concerned considering it is considered less important. It is understood that the confidentiality of patient health data is the right of each individual and of course they have the right not to share health data as an effort to protect against such misuse. This has also been regulated in Law Number 29 of 2004 concerning Medical Practice which stipulates that

"every Doctor and Dentist in carrying out medical practice must make medical records and this medical record must be kept confidential by the Doctor or Dentist and the head of health service facilities".

However, in the case in the field, the existence of a person's medical record is needed for the purpose of investigation. Based on this description, this research will examine the "obligation to provide patient health data to BPJS" by tracing both the legislation and the facts contained inaccurate and credible media.

II. METHODOLOGY

The research method used in this study is a qualitative descriptive method. In the understanding put forward by Sugiyono (2016:9), this method is based on the philosophy of post positivism which is used to research in natural object conditions where the researcher is the key instrument. In the technique of collecting data, it is done by triangulation, inductive/qualitative, sourced from journals and credible news media, then the results of this study emphasize meaning rather than generalization. This qualitative descriptive research aims to describe, describe, explain, describe, explain, and answer in more detail and depth about the problems to be studied by studying as much as possible an individual, group, or event. In this study, humans are instruments in research and the results of the research are in the form of words or statements that are in accordance with the actual existence of facts.

III. RESULT AND DISCUSSION

Patient health data is as important as a person's data. This is what makes the public must realize that protecting personal data is a behavior to protect themselves from crime. Moreover, the development of technology has given birth to such a massive cybercrime. Handling it will be very difficult considering that criminal acts in this network are very difficult to trace. The potential loss may not have a direct effect on those who are victims of cybercrime, but the negative impact caused is enough to bring down a person's morale and mentality. In terms of health, maintaining health data or medical records is the right of every citizen who wants to seek treatment. Confidentiality has also been guaranteed in Law No. 29 of 2004 concerning Medical Practice.

This allows them not to easily provide health data to other parties. In the obligation to provide patient health data to BPJS, this action still needs to be questioned. In the rights and obligations of participants as stated in Law Number 24 of 2011 concerning BPJS and its derivatives, it does not mention that patients are required to submit health data to any party, including those outside the hospital that treats them. So, in this case the patient has the right not to give his data to anyone as a step to protect personal data from such misuse. However, in the Regulation of the Minister of Health (PMK) No. 269 of 2008 concerning Medical Records, it is stated there that although information regarding the identity, diagnosis, disease history, examination history, and patient medical history must be kept confidential by the clinical house, management officers and leaders of health facilities. (hospital), but this information can be disclosed, among others, to fulfill requests from law enforcement officials on court orders and to fulfill requests from institutions/institutions following statutory regulations.

This request must be submitted in writing to the hospital leadership. In addition, this regulation also regulates the ownership, benefits, and responsibilities of the management of the opened medical records. Based on these regulations, it can be understood that the confidentiality of health data from patients can be disclosed if it is for the interest of the court or to fulfill requests from state institutions/institutions regulated by law. It was also stated that the request must be submitted in writing to the related party so that it has a legal umbrella when there is a deviation in the management of medical records, or a leak occurs so that the patient takes legal action due to the negligence of the apparatus and is strengthened by the existence of this written document. Then, whether BPJS Health is included in the relevant institutions or institutions as contained in the Act.

BPJS is an official and legal Health Organizing Body, which has permanent legal force (Law). In this case, BPJS Health can also be considered as one of the government institutions that also has the right to access patient medical records, of course, still following the management mechanism that has been regulated in the Minister of Health Regulation No. 269 of 2008. Medical records distributed to BPJS Health are of course used to calculate the number of cases. the total cost of treatment, considering that the medical record will be able to accurately describe what kind of care and treatment the patient has done. In addition, medical records can also be used as a reference to find out statistical data of people with diseases so that they can be used as reporting data that has been translated using a language that is understood by the community as a source of information and education for the community.

IV. CONCLUSION AND SUGGESTION

Health is the most important need for humans to live their lives. Therefore, the community needs to maintain health through a balanced lifestyle. Given that health is very expensive, it is better to prevent than cure. In every disease the patient has, the doctors will record it which is then referred to as the medical record or patient health data. This data is as important as protecting personal data so that the public has the right to protect their data. This has also been strengthened by the existence of the Medical Law. However, for the sake of examination and at the request of an institution/institution as stated in the applicable law, the confidentiality of the data may be disclosed to fulfill that interest. This is mandatory but still follows the mechanism regulated in the Regulation of the Ministry of Health in terms of managing the medical record. This aims to avoid carelessness that makes the data leak or misused.

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