

## Getting Hip on HIPAA

Health Insurance Portability  
and  
Accountability Act of 1996



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## HIPAA requires

The workforce be educated concerning  
patient privacy and the security of  
patient information

## The Health System requires

You to take this training every year and  
sign a new confidentiality statement



Confidentiality  
Statement

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Every patient has a right to privacy—and confidentiality!

## What is patient confidentiality?

Keeping patients' health care information private

**Protects Patients**  
**Protects you and**  
**the Health**  
**System**

Both the law and job  
standards require  
confidentiality.

Failure to comply may  
lead to disciplinary  
and/or **legal action**  
**against you** and  
the Health System.



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## Why do I have to learn about confidentiality?

- ◆ Because protecting it is part of your job
- ◆ There are more ways to access patient  
information, and protecting it is  
becoming more difficult.

**EMR** **Internet** **Hard copy**  
**Microfiche**

Doctors

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## What is confidential information?

- ◆ Details about illnesses  
or conditions
- ◆ Information about  
treatments
- ◆ Health-care provider's  
notes about a patient
- ◆ Conversations between  
a patient and health-  
care provider
- ◆ Financial information  
about a patient's care



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## Individually identifiable information

- ◆ Information that is a subset of health  
information, including demographic  
information collected from an individual
  - That identifies the individual; or
  - There is a reasonable basis to believe the  
information can be used to identify the  
individual.



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## The 18 elements are

1. Names
2. Geographic subdivisions smaller than a State
3. All elements of dates (except year)
4. Telephone numbers
5. Fax numbers
6. Electronic mail addresses
7. Social Security Number
8. Health plan beneficiary numbers
9. Medical record numbers
10. Account numbers
11. Certificate/license numbers
12. Vehicle identifiers
13. Drivers license number
14. Device identifiers and serial numbers
15. Web Universal Resource Locator (URL)
16. Internet Protocol (IP) address numbers
17. Biometric identifiers
18. Any other unique identifying number, characteristic, or code

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## Patient's Rights Under HIPAA



- ◆ Access to their medical record
- ◆ Amend PHI in their medical record
- ◆ Accounting of disclosures without the patient's authorization
- ◆ Confidential communications
- ◆ Restrict disclosures
- ◆ A copy of our Notice of Privacy Practice (Review administrative policies for more detail)

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## General Patient information is not confidential



The following may be released without the patient's permission, if the patient is asked for by **FIRST and LAST NAME**

- ◆ The patient's location (provided it doesn't reveal information, such as the patient is being treated for a psychiatric problem)

The patient may request not to be listed in the hospital directory. This is called "opting out."

The Health System encourages employees to call Patient Information or the Operator if a visitor asks the location of a patient.

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## What is "need-to-know" and what should it mean to me?



Access to patient information is based upon the "Need-to-know"

This means you are to access patient information, including your own, only if you need it for your job.

It is very important for all workforce members to understand that accessing **anyone's** health information without a "need-to-know" is against Health System policy and the HIPAA Privacy Rules.



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This means, do not "look-up", "browse", "peruse", "peek", "check-out", "peep", "sneak a look", "research" or "look at" anyone's medical or financial information unless it is part of your job and you are involved in the care of the person.

This includes records belonging to you and your spouse, children, ex-spouse, mother, father, aunt, uncle or any other person you may know.

If you need a copy of your record or the results of a test, you must go through the same process as any other patient.

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## Disclosures that can be made without the patient's authorization



- ◆ When required by law:
  - Court order
  - Subpoena
  - Report a crime
  - Vital Statistics
- ◆ National Security
  - Threat to the President
  - Threat to foreign heads of state
- ◆ Required by military command
- ◆ Public health officials to report communicable diseases and other events
- ◆ The reporting of abuse



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Dad won't tell me anything. What's wrong with him?

I understand your concern, but I can't discuss his health care without his consent.



### What may I tell family or friends of the patient?

HIPAA regulations recognize that family is important and may be involved in the patient's care, and that caregivers are not always family. Family members and others identified by the patient may be given certain information as long as the patient **does not** object.

**Before discussing** the patient's care in front of visitors, **ask** the patient if he/she would like to involve the visitors in the discussion.

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### How is electronic protected health information (ePHI) protected?

The Health System uses IDs and passwords to trace access back to a single user.

IDs and passwords **are not to be** shared with anyone. This includes supervisors and co-workers.

If your ID or password has been compromised, notify the IS Help Desk or the administrator of the application you are using and request a password change.

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### How do you know if someone has accessed ePHI inappropriately?

The Health System has audit and tracking systems in place.

The access of both clinical and financial information can be reviewed to determine if a workforce member needed to look at information to perform their job duties.

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### Breaches in HIPAA privacy and security policies

- ◆ The Health System policy, **INVESTIGATION OF BREACHES OF PRIVACY POLICIES AND PROCEDURES** defines breaches of confidentiality and the sanctions that may be applied.
- ◆ The Health System has defined three levels of privacy and security breaches.

**Breach policy**

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### Why does the Health System have this policy?

1. **Patients have a right to have their protected health information (PHI) kept confidential**
2. **The Health System has a legal obligation to protect patients' PHI**
3. **The Health System is required to track breaches of confidentiality**
4. **The Health System is required to apply sanctions for breaches of confidentiality**
5. **To give guidance to managers in applying sanctions consistently**

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### The Health System

1. Requires mandatory reporting of breaches, regardless of the severity of the breach
2. Has developed multiple avenues to report breaches
3. Encourages self-reporting of breaches of confidentiality

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## Levels of HIPAA Breaches

Level 1 – Carelessness

Level 2 – Curiosity, concern, or willful disregard of policy (not for personal gain)

Level 3-Personal Gain or Malice

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If I have questions about the privacy or security of patient information you may call any of the following:

**HIPAA Project Manager**

4406

**IS Security Officer**

5713

**Privacy Hot Line**

4901

**Confidential Message Line**

6140

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