

Getting Hip on HIPAA

Health Insurance Portability and Accountability Act of 1996

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



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.

Every patient has a right to privacy—and confidentiality!

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.



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 healthcare provider
- Financial information about a patient's care



Every patient has a right to privacy-

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.

Every patient has a right to privacy—and confidentiality

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

Every patient has a right to privacy—and confidentiality!

Patient's Rights Under HIPAA

- Access to their medical record
- Amend PHI in the 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 polices for more detail)

Every patient has a right to privacy—and confidentiality!

General Patient information is not confidential

The following may be released without the patients 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.

Every patient has a right to privacy—and confidentiality!

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.

10

Every patient has a right to privacy—and confidentiality!

32 3 Oc

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.

11 Every patient has a right to privacy—and confidentiality!

Disclosures that can be made without the patient's authorization

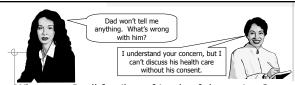


- When required by law:
 - Court order
 - Subpoena
 - Report a crime
 - Vital Statistics
- Required by military command



- National Security
 - Threat to the President
 - Threat to foreign heads of state
- Public health officials to report communicable diseases and other events
 - The reporting of abuse

Every patient has a right to privacy—and confidentiality!



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.

Every patient has a right to privacy—and confidentiality!

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 coworkers.

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.

14

Every patient has a right to privacy—and confidentiality!

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.

Every patient has a right to privacy—and confidentiality

Breaches in HIPAA privacy and security policies

- The Health System policy, <u>INVESTIGATION</u> <u>OF BREACHES OF PRIVACY POLICIES</u> <u>AND PROCEDURES</u> 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

E

Every patient has a right to privacy—and confidentiality!

Why does the Health System have this policy?

- 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

17 Every patient has a right to privacy—and confidentiality!

The Health System

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

18

Every patient has a right to privacy—and confidentiality!

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

. .

Every patient has a right to privacy—and confidentiality!

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

E

Every patient has a right to privacy—and confidentiality!