

# HIPAA: What Every Health Care Professional Needs to Know



# Learning Objectives

- Describe HIPAA concepts and guidelines for health care professionals
- List seven patient rights on protected health information
- Describe potential consequences of violating HIPAA rules and regulations

# Learning Objective 1

- Describe HIPAA concepts and guidelines for health care professionals

# What is HIPAA?

- Health Insurance Portability and Accountability Act
- Mandated into law in 1996
- Modified in 2002

# HIPAA = CIA

- Confidentiality
- Integrity
- Availability

## 3 Main Areas

1. Insurance Portability: ensures that employees moving from one health plan to another will have continuity of coverage and will not be denied coverage

# 3 Main Areas

2. Administrative Simplification:  
national standards for electronic transactions, privacy & security of protected health information; confidentiality of identifiable protected health information (PHI)

## 3 Main Areas

3. Fraud enforcement and accountability: increases the federal government's fraud enforcement authority in many different areas



# HIPAA Privacy Notice

- Health care agencies are required to provide each patient/resident a written Notice of Privacy Practices

# HIPAA Privacy Notice

- This spells out how the health care agency can use and share protected health information (PHI) and the patient's/resident's privacy rights

# HIPAA Privacy Notice

- Ask patient or resident to sign written form that indicates they received the Notice of Privacy Practices

# HIPAA Privacy Rule

- Provides individuals with certain rights with respect to their personal health information
- Includes the right to obtain access and to request amendment of health information about themselves

# What do Privacy Rules Accomplish?

- Patients/residents have more control over their health information
- Boundaries are set on the use and disclosure of health records

# What do Privacy Rules Accomplish?

- Safeguards are created for privacy
- Hold violators accountable through both civil and criminal penalties
- Protect public health

# HIPAA Privacy Rule

- Patient/resident rights rest with that individual or the “personal representative” of that individual

# “Personal Representative”

- Parent of a minor
- Divorced parents have equal rights
- Legal guardian
- Documented power of attorney with language regarding health care decision making



# Protected Health Information (PHI)

- All personal and health information
  - ✓ Oral
  - ✓ Written
  - ✓ Electronic

# Protected Health Information (PHI)

- Examples:
- Name, address, DOB, SS#, contact
- Medical records, DX, photos, test results, prescriptions
- Billing info, claims, referrals

# What Information is not Protected by HIPAA?

1. Health info in personnel records
2. Student health information of federally funded schools and colleges
3. Health info disclosed to a non-covered entity

# Why Do We Need HIPAA?

- People worry about use or disclosure of personal or health information without their knowledge
- HIPAA may increase compliance with health care

# Why Do We Need HIPAA?

- People may refuse treatment, lie about their condition, pay out of pocket to avoid insurance involvement, go doctor-shopping, ask for no documentation to be completed during their visit

# Who Needs to Comply with HIPAA?

- All of us!
- In all settings
- Nursing homes
- Hospitals
- Physician's office

# Who Needs to Comply with HIPAA?

- Admissions
- Caregivers from the ER to the morgue
- PT, OT, ST, RT
- Labs
- Nurses/STNAs
- Billing clerks
- School teachers
- Website managers

# Your Role

- Understand this information
- Assess risk to availability, integrity, and confidentiality of PHI
- Implement measure to reduce risks
- Know your policies and procedures



# Learning Objective 2

- List 7 patient rights on Protected Health Information (PHI)

## 7 Patient/Resident Rights

1. Receive notice of facility's privacy practices
2. Know facility will use PHI for treatment, payment, operation costs (TPO) only

# 7 Patient/Resident Rights

3. Consent to and control use and disclosure of one's PHI
4. Access one's PHI
5. Request amendment/addendum to one's PHI

## 7 Patient/Resident Rights

6. Receive accountings of disclosures
7. File privacy complaints to an agency officer

## Learning Objective 3

- Describe potential consequences of violating HIPAA rules and regulations

# Protecting PHI

- Take all reasonable steps
- Do not talk in open areas (i.e. nurse's stations, halls, elevators)
- Protect your computer screen
- Log on and off

# Protecting PHI

- Make no copies of materials and take them outside of the facility unless your policy covers this
- Destroy PHI with shredders (do not crumble up and throw away)

# Protecting PHI

- Privacy is everyone's responsibility
- Handle it properly
- Be accountable



# Sharing Information Legally

- Health care agencies are permitted to share limited PHI without a patient's/resident's authorization in the following instances...

# Sharing Information Legally

- ✓ Public Health Requirements – mandatory reporting of communicable diseases, births and death certificates, and animal injuries

# Sharing Information Legally

- ✓Judicial and Administrative Proceedings – court orders, investigations
- ✓Health Oversight Activities – authorized agency surveys, audits, inspections

# Sharing Information Legally

- Organ donation
- Public safety
- Workers compensation

# Sharing Information Legally

- HIPAA does not require health care agencies to record these permitted disclosures
- Be sure you know your facility's policies and procedures concerning this issue

# Families & PHI

- Seek direction from patient/resident
- If not possible, use professional judgment to determine what information to share

# Families & PHI

- Some patients/residents may request restrictions
- Not for Publication (NFP)
- Password to limit calls/visitors
- Know what your patient/resident wants

# Consequences of Violations

- Failure to comply with HIPAA also violates:
  - ✓ Codes of ethics
  - ✓ Board standards
  - ✓ Policies and procedures



### 3 Potential Consequences

1. Legal – civil/criminal penalties; fines and imprisonment
2. Professional – disciplinary action by Boards
3. Academic – reprimands, lower grades, dismissal from school

# Examples

- Fines between \$100 to \$250,000
- Prison time from 1 to 10 years
- Losing one's license
- Losing one's income and the right to practice

# Threats to Information

- Theft
- Vandalism
- Snooping
- Environment

# Be Careful When Using...

- ✓ Computers
- ✓ Telephones
- ✓ Printers and copiers
- ✓ Email and texting
- ✓ Fax machines
- ✓ Cell phone cameras
- ✓ Interviewing
- ✓ Sensitive data

# Conclusion

- Patient's/residents (or their representative) have the right to control who sees their PHI
- HIPAA requirement have been established to protect these rights

Remember: HIPAA = CIA!

1. Confidentiality

2. Integrity

3. Availability

# Common Sense

- Keep all confidential information out of the public's view
- Dispose of confidential information appropriately

# Common Sense

- Always verify a person's authority before disclosing any health information
- Limit the amount of information you leave on answering machines



# Common Sense

- Do not share passwords with others to access only systems
- Do not talk about patients or other confidential information outside of the health care setting

# What is Right about HIPAA?

- It sets national standards for accessing and sharing medical information
- You are guaranteed by federal law to have access to your own medical records

# What is Right about HIPAA?

- The “Notice of Privacy Practices” must now be given to you
- An accounting of disclosures of your health information is required by HIPAA

# What is Right about HIPAA?

- Complaints can be filed with your health care provider if you believe a provider or health plan has violated your privacy

# What is Right about HIPAA?

- Health care professionals receive regular and annual training
- There are major penalties both civil and criminal if the government brings a lawsuit for violations

# Downsides of HIPAA

- Your consent to the usage of your medical information is not required when it is used or disclosed for treatment, payment, or health care operations (TPO)

# Downsides of HIPAA

- Past medical information can be available
- Private health information can be used for marketing
- You have no right to sue under HIPAA for privacy violations

# HIPAA is Here to Stay

- Good versus bad
- Know it
- Practice it
- Protect your patients
- Protect yourself





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