ACTIVITY TITLE: **Overview of Health Insurance Portability & Accountability Act; Confidentiality & Compliance**

OBJECTIVES LIST OBJECTIVES IN OPERATIONAL/BEHAVIORAL TERMS	CONTENT (TOPICS) LIST EACH TOPIC AREA TO BE COVERED AND PROVIDE A DESCRIPTION OR OUTLINE OF THE CONTENT TO BE PRESENTED	TIME FRAME STATE THE TIME FRAME FOR THE TOPIC AREA.	FACULTY LIST THE FACULTY PERSON OR PRESENTER FOR EACH TOPIC	TEACHING METHODS DESCRIBE THE TEACHING METHODS USED FOR EACH
1. Each employee will review independently and with an instructor the presentation of HIPAA, Confidentiality and Compliance. *2. Each employee will retain policy and procedure manual for resourcing.* *3. Each employee will successfully complete a written test.*	*1. Definitions of key terminology and overview of the following: HIPAA, agency standards; unethical behaviors; target population; list of identifiable health information; personal representatives of client; employee and agency responsibilities.* *2. Policy and procedure reviewed and provided.* *3. Test provided.*	*1. 30 minutes* *2. 5 minutes* *3. 10 minutes*	*1. Assist DON or designee and employee self study*	*1. Training packet* *2. Module 1 presentation* *3. Written test and question and answer session*

Evaluation Methods: Objectives will be evaluated through written tests, verbal simulation of entire process, and demonstration of skills in a lab using durable medical equipment, supplies, and mannequins.

Evaluation Level/Category: Alspach's Evaluation Model.

Overview of Health Insurance Portability & Accountability Act; Confidentiality & Compliance

Definitions

Confidentiality is the protection of individually identifiable information as required by state and federal legal requirements and Partners policies.

Consent, Informed refers to the requirement that all healthcare team members explain the purposes, risks, benefits, confidentiality protections, and other relevant aspects of services so that the client may make an informed decision.

Electronic Medical Record is a computer-based record containing health care information. This record may contain some, but not necessarily all, of the information that is in an individual's paper-based medical record. One goal of HIPAA is to protect identifiable health information as the system moves from a paper-based to an electronic medical record system.

Health Care Provider a provider of medical or health care such as the LPN, RN, MD, and ancillary team.

HIPAA is the Health Insurance Portability & Accountability Act: a federal law designed to allow portability of health insurance between jobs. In addition, it required creation of a federal law to protect personally identifiable health information.

Personal Representative is a person authorized under state or other law to act on behalf of the individual in making health-related decisions. Examples include a court-appointed guardian with medical authority, a health care agent under a health care proxy, and a parent acting on behalf of a minor.

Privacy, for HIPAA, means an individual's interest in limiting who has access to personal health care information.

Regulatory or corporate compliance describes the agency's goal to aspire to in their efforts to ensure that personnel are aware of and take steps to comply with relevant laws and regulations

Training Program Overview

Introduction

The *Standards for Privacy of Individually Identifiable Health Information* ("Privacy Rule") establishes a set of national standards for the protection of certain health information. The U.S. Department of Health and Human Services issued the Privacy Rule to implement the requirement of the Health Insurance Portability and Accountability Act of 1996, HIPAA. The Privacy Rule standards address the use and disclosure of individuals' health information called protected health information. The standards also allow for individuals' privacy rights to understand and control how their health information is used. Within the government, the Office for Civil Rights has responsibility for implementing and enforcing the Privacy Rule with respect to voluntary compliance activities and civil money penalties. A major goal of the Privacy Rule is to assure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well being. The Rule strikes a balance that permits important uses of information, while protecting the privacy of people who seek care and healing. Given that the health care marketplace is diverse, the rules are designed to be flexible and comprehensive to cover the variety of uses and disclosures that need to be addressed.

The agency enforces compliance with standards, supports management supervision of employees, maintains employees of integrity in responsible positions, monitors for compliance deviations, enforces education or counseling as indicated and institutes preventative measures. Examples of unethical behaviors are as follows: privacy violations, false statements, practicing outside of scope, participation in conflicts of interest, financial conflicts, acceptance or provision of kickbacks for referrals, disregarding information that may result in harm to a client, using undue influence on a client, and failing to report incidents of concern to management. All employees are expected to adhere to agency policy and demonstrate loyalty to the provision of client services in consideration of privacy and regulations.

Who is Covered by the Privacy Rule

The HIPAA rules apply to health plans, health care clearinghouses, and to any health care provider who transmits health information. Every health care provider, regardless of size, who electronically transmits health information in connection with certain transactions, is a covered entity. These transactions include claims, benefit eligibility

inquiries, referral authorization requests, or other transactions. Using electronic technology, such as email, fax, and texts are standard transactions that must comply with regulations. The privacy rules cover client services provided by all health care providers and support staff.

What Information is Protected?

The privacy rule protects all individually identifiable health information held or transmitted by the agency in any form or media, electronic, paper, or oral. Examples of individually identifiable health information are as follows: information, including demographic data that relates to the individual's past, present or future physical or mental health or condition; the provision of health care to the individual; payment for the provision of health care to the individual; and that identifies or is a reasonable basis to identify the individual. Identifiable health information includes many common identifiers such as name, address, birth date, or social security number.

Permitted Uses and Disclosures

The agency is permitted to use and disclose protected health information without an individual's authorization, for the following purposes or situations: to the individual; accounting disclosures; treatment; payment; health care operations; allows opportunity to agree or object; incident to an otherwise permitted use and disclosure; public interest or benefit activities; and limited data set for the purposes of research, public health or health care operations. The agency relies on compliance with policy, professional ethics, and good judgment in deciding on permissions or disclosures. Every employee is required to carefully consider the intent and consequences of communicating client or employee specific data. It is imperative to consider who needs to know, what needs to be communicated, when and where to report information. Avoid lackadaisical comments that are not relevant or potentially inflammatory. Contact a member of management for clarification or to report concerns.

Authorized Uses and Disclosures

The agency obtains the individual's written authorization or verbal with witness for any use or disclosure of protected health information that is not for treatment, payment or health care operations or otherwise permitted activity. The agency may not condition treatment, payment, enrollment, or benefits eligibility to an individual granting an authorization.

Privacy Policies and Procedures

The agency is dedicated to the protection of both the employee and client information. All clients and employees are provided with the HIPAA rules. Examples of agency process used to protect information is unique employee identification codes, unique client identification codes, transportation of documents in sealed addressed postage paid envelopes, double safety checks of key points for electronic data transmission, use of document shredding for duplicate information, password protected technology, firewalls, and restricting communication of information on a need to know basis. Complaints are processed by management and no client or employee is subject to retaliation by the agency. Service records and documentation are processed and retained with regard to agency policy. Compliance is every employee's responsibility!

Personal Representatives and Minors

The Privacy Rule requires the agency to treat the client's personal representative the same as the individual, with respect to uses and disclosures of the individual's protected health information, as well as the individual's rights. A personal representative is a person legally authorized to make health care decisions on an individual's behalf. Clients may identify their primary, secondary, or alternate members as a personal representative with privileges to share information. If in doubt, the employee must ask the client's permission to share information with anyone other than a non-agency employee. The Privacy Rule permits an exception when a covered entity has a reasonable belief that the personal representative may be abusing or neglecting the individual, or that treating the person as the personal representative could otherwise endanger the individual.

Common Questions and Answers

1. If the patient is present and has the capacity to make health care decisions, when does HIPAA allow a health care provider to discuss the patient's health information with the patient's family, friends, or others involved in the patient's care or payment for care?

If the patient is present and has the capacity to make health care decisions, a health care provider may discuss the patient's health information with a family member, friend, or other person if the patient agrees or, when given the opportunity, does not object. In either case, the health care provider may share only the information that the person involved needs to know about the patient's care.

2. Can a patient have a family member, friend, or other person pick up a filled prescription, medical supplies, X-rays, or other similar forms of patient information, for the patient**?**

Yes. HIPAA allows health care providers to use professional judgment and experience to decide if it is in the patient's best interest to allow another person to pick up a prescription, medical supplies, X-rays, or other similar forms of information for the patient.

3. May nurses providing client care in the home communicate any aspect of agency operations not related to the client currently being serviced?

No, the nurse in the home is responsible for the provision of client care. Discussion of other clients or any other aspects of agency operations may violate both HIPAA rules and corporate compliance. It is appropriate for the nurse to respond to calls from the office and coordinate the appropriate time for a dialogue with the office.

The RN is available to assist with questions and obtain answers.

Regulatory Resources:
http://www.hhs.gov/ocr/privacy/hipaa
PHI: See Operational Policy Manual for HIPAA and Confidentiality Policies

Test Your Knowledge

Check true or false after each statement below:	True	False
1. PHI stands for "personal health identification".		
2. Most health-care organizations must follow the Privacy Rule		
3. It is OK to disclose health information as long as you don't disclose the patient's name		
4. Sign-in sheets in waiting rooms are not allowed under the Privacy Rule.		
5. The Privacy Rule should not interfere with patient treatment.		
6. The Privacy Rule covers only information that is stored or sent by computer.		
7. Keeping file rooms locked and computer monitors turned away from public view are examples of reasonable safeguards.		
8. Authorization is required to disclose any PHI.		
9. All employees should have access to patient information.		
10. An organization will be fined for any disclosure of PHI.		

Key: 1. F 2. T, 3. F, 4. F, 5. T, 6. F, 7. T, 8. F, 9. F, 10. F