

November 2019

Learning Objectives:

- The basics of HIPAA
 - What confidentiality means and why it is important
 - Practical tips to ensure privacy
- The HIPAA Privacy Rule provides federal protections for personal health information held by covered entities and gives clients an array of rights with respect to that information. At the same time, the Privacy Rule is balanced so that it permits the disclosure of personal health information needed for client care and other important purposes.
 - The Security Rule specifies a series of administrative, physical, and technical safeguards for covered entities to use to assure the confidentiality, integrity, and availability of electronic protected health information.
 - Your employer should explain how these regulations apply to you and your work.

- ➔ The Privacy Rule protects all “individually identifiable health information” held or transmitted, in any manner. This information is referred to as “protected health information,” or PHI (called ePHI when referring to electronic protected health information).
- We all have access to information about client’s that should not be shared – such as name, address, diagnosis, medical history, etc.
- ➔ “Individually identifiable” health information is information, including demographic data that relates to: the individuals past, present, or future physical or mental health condition
- Care provided to the individual
- Information related to the payment for care
- ➔ The definition of HIPAA was expanded to ensure each client has more control over their personal data.
- ➔ HIPAA recognizes the importance of privacy, dignity, and making informed choices by limiting personal release of information, and by allowing individuals to examine a copy of their own health records and request corrections.
- It can be empowering for clients to have control over their personal information.
- HIPAA mandates that agencies provide current, updated, written information to the client stating how their information will be used.

Be sure to discuss any questions related to HIPAA with your supervisor and know your individual agency policies!

HIPAA- Health Insurance Portability and Accountability Act



Most people believe that their medical and other health information is private and should be protected, and they want to know who has this information. The **Privacy Rule**, a Federal law, gives client’s rights over their health information and sets rules and limits on who can look at and receive their health information. The Privacy Rule applies to all forms of individuals’ protected health information, whether electronic, written, or oral (spoken). The **Security Rule**, a Federal law that protects health information in electronic form, requires those covered by HIPAA (covered entities) ensure that electronic protected health information is secure. The HIPAA Privacy Rule provides federal protections for personal health information and protects a person’s right to that information via the Office of Civil Rights (OCR). Anyone can file a health information privacy or security complaint. The website to learn more is -www.hhs.gov/ocr/privacy/index.html

Key Points with HIPAA and Confidentiality:

HIPAA laws and practices have changed over the years, as new situations and technologies emerge. Agencies must show efforts of privacy protections and how a breach would be handled. It is imperative that you know how to handle confidential information to protect yourself, your client, and your agency. Never take information regarding another client into your current client’s home. Even if you feel this information is secure in your bag or notebook, others can still have access to it when you are not looking or busy in the home.

As an in-home aide, maintaining confidentiality means that the information that you are entitled to about your client is privileged information and should not be shared with anyone other than members of your health care team involved in the client’s care and your supervisor. Never have your family or friends take you to your client’s home. If you do not have transportation, then discuss this matter with your supervisor. Never store your client’s phone numbers in your cell phone. If the cell phone is lost, so is identifiable information. Talk to your agency regarding protections on work cell phones.

- **Never discuss your clients with your friends, family, church members, etc., even in general conversation, breaches of confidentiality may happen.**
- **Never give out your client’s phone number to friends or family. This is also a breach of confidentiality. If your family needs to reach you, then they may contact your office and your supervisor will notify you.**
- **If someone is found to have knowingly breached confidentiality or who did so for financial gain, they could face very serious charges.**
- **Remember-sharing pictures or selfies from your client’s homes, with identifiable information in the picture is a breach of confidentiality.**

Security Standard- Electronic:

The *Security Standards for the Protection of Electronic Protected Health Information* (the Security Rule) establish a national set of security standards for protecting certain health information that is held or transferred in electronic form. The Security Rule operationalizes the protections contained in the Privacy Rule by addressing the technical and non-technical safeguards that organizations called "covered entities" must put in place to secure individuals' "electronic protected health information" (e-PHI). Within HHS, the Office for Civil Rights (OCR) has responsibility for enforcing the Privacy and Security Rules with voluntary compliance activities and civil money penalties.

Discussing Your Clients:

- Do not assume that it is okay for you to discuss your client's care with their other family members. There could be complex family dynamics of which you are not aware.
- Without consent, no part of your client's care should be discussed with family. Ask your client if you have their permission to discuss their care. Inform your supervisor if you have a request from the client or family to do so.

You do not have to say a client's name to disclose personal information – if you live in a small community and you discuss your client's health information, the listener might be able to figure out who you are talking about based on other information you have provided. Do not ever give personal, identifiable information to anyone not involved in your client's care. You are to abide by privacy standards even after the time you are no longer employed with your agency.

Caution!! Do not share client information on social media! (Facebook, Twitter, Instagram, Snapchat, other). Be sure to know your agency policies.

According to an article from the North Carolina Board of Nursing fall of 2013, many institutions now have policies such as:

- Do not "friend" clients
- Do not accept "friend requests" from clients or their family members
- Never share any client information by Facebook or other social media

Sharing pictures or selfies from your client's homes, with identifiable information in the picture is another way to breach confidentiality.

We are all responsible for maintaining client privacy and confidentiality. There are punishments that have been established for those who violate this law.

- If someone is found to have knowingly breached confidentiality or who did so for financial gain, they could face very serious charges along with fines and jail time.
- Violations can be considered criminal or civil offenses.
- Even an accidental breach of confidentiality can result in fines and may compromise your status with your employer. Depending on the severity of your action(s), your employer may take disciplinary measures which could lead to termination.
- Authorities could also get involved, which could lead to hefty fines, probation, and possible jail time.
- In most cases, HIPAA violations are not malicious in their intent.
- Inadvertently violating confidential health information may stem from myths that a worker believes.

For example:

- The mistaken belief that the person you are sharing information with cannot pass along that information (e.g. forwarding an email or text).
- The mistaken belief that once you delete something from the internet, it no longer exists. In reality, it can ALWAYS be retrieved. This includes pictures on Facebook and posts on Twitter.
- The mistaken belief that as long as you leave out their name, you can talk about clients to friends and others. ANY information could lead them back to the person and be a breach.(example- posting on Facebook "my client was the cutest little 70 year old lady who lives in my neighborhood").
- The mistaken belief that any family member can consent to you sharing the client's information, including posting a picture or discussing their case online. If the client is of sound mind, and no legal papers are in place, the client is the only person to give you consents.

Other Key Points:

- Never leave client care information where others could possibly see (including in your home).This includes any type of demographic information containing name, address, phone number, social security number, medical diagnosis, etc.; This also includes your care plan and flow sheets documenting care.

→ It is imperative that you know how to handle confidential information to protect yourself, your client, and your agency.

- ❖ **Using location-based cell phone features or apps that friends and/or family have access to and can see your exact location is a breach of confidentiality.**
- ❖ **Never video your client or anything related to your client.**
- ❖ **Know your agency policy for social networking or internet usage while on company time, including iPhones or smart phones.**

In-Home Aide Newsletter- November 2019
POST-TEST Confidentiality/ HIPAA

Name _____ Date _____

Circle True or False

1. The HIPAA privacy rule provides federal protections for personal health information held by covered entities, such as a home care agency, and gives clients rights with respect to that information.

True

False

2. e-PHI refers to erasable protected health information.

True

False

3. It can be a breach of confidentiality to discuss your clients with church members in general conversation.

True

False

4. You would have to say a client's name to disclose personal information.

True

False

5. Never leave client care information where others could possibly see the information, including your home.

True

False

6. The HIPAA privacy rule is balanced so that it permits the disclosure of personal health information needed for client care and other important purposes.

True

False

7. Using location based cell phone features or apps that friends and/or family have access to and can see your exact location is a breach of confidentiality.

True

False

8. It is imperative that you know how to handle confidential information to protect yourself, your client, and your agency.

True

False

9. Once you delete something from the internet, it no longer exists.

True

False

10. Do not assume that it is okay to discuss your client's care with their family members.

True

False

Thought Reflection- HIPAA plays a major role in regard to clients, communication, and confidentiality. Why do you think HIPAA rules are important?