

Partners in Quality Care - August 2017

What you will learn?

- 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 patients 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 patient 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.
- www.hhs.gov/ocr/privacy/index.html

CAUTION

- The definition of HIPAA was expanded to ensure each patient 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 patients to examine a copy of their own health records and request corrections.
- It can be empowering for patients to have control over their personal information.
- **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. 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.

Key Points

- 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.
- We all have access to information about patients 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
 - Health care provided to the individual
 - Payment for the provision of health care

- Never discuss your patients with your friends, family, church members, etc.
- Even in general conversation, breaches of confidentiality may happen.
- Never give out your patient'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.

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Electronic Health Records – (EHR)

- Physicians and hospitals must now use data encryption when using EHR for protected health information, otherwise a HIPAA breach could occur.
- Patients must be informed of data breaches, by both the entities who store the information, and the hospital or physician office involved.
- The sale of protected health information remains strictly prohibited. *This includes giving information about your patient's without their permission to other agencies when you leave your current agency.*

Discussing Your Patients?



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

Confidentiality means that the information that you are entitled to about your patients is privileged information and should not be shared with anyone other than members of your health care team and your supervisor. The HIPAA law that went into effect in April of 2003, makes it illegal for you to violate this law.

Caution!! Don't Share Patient Information on Social Media! (facebook, twitter, 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" patients
- Do not accept "friend requests" from patients or their family members
- Never share any patient information by Facebook or other social media

We are all responsible for maintaining patient 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. You could be fined up to \$1.5 million and/or go to jail for as long as 10 years.
- 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 patients to friends and others. ANY information could lead them back to the person and be a breach.(example-posting on Facebook "my patient 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 patient's information, including posting a picture or discussing their case online. If the patient is of sound mind, and no legal papers are in place, the patient is the only person to give you consents.
- ♣ Never leave patient 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 patient, and your agency.

For more information on AHHC's endorsed risk management and insurance program, visit:

<http://www.homeandhospicecare.org/insurance/home.html>



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POST-TEST HIPAA page 1

Name _____ Date _____

1. Most people are okay with others knowing their personal health information (circle true or false)

True

False

2. Some key facts about the Health Insurance Portability and Accountability Act (HIPAA) are: (Circle the correct answer or answers)

- a. The rules gives client's rights over their health information
- b. Sets rules and limits on who can look at and receive their health information
- c. Includes written, verbal (oral) and electronic (computer) information
- d. The rule protects all "individually identifiable health information"
- e. All of the above

3. HIPAA or the privacy rule is a Federal Law (circle true or false)

True

False

4. According to the privacy rule, individually identifiable health information or protected health information (PHI) covers the following client information: (circle the correct answer or answers)

- a. name
- b. address
- c. diagnosis
- d. medical history
- e. health care provided to the client
- f. All of the above

5. It is okay to discuss your client's with your church members without asking your client (circle true or false)

True

False

6. The HIPAA privacy rule is balanced so that is permits the disclosure of personal health information needed for client care and other important purposes (circle true or false)

True

False

7. Ask your client if you have their _____ to discuss their care with their family members and inform your supervisor (fill in the blank)

8. Sharing information on social media is not allowed, social media includes the following:
(circle the correct answer or answers):
- a. Cell phones with cameras
 - b. Blogging
 - c. My space
 - d. Facebook
 - e. You tube
 - f. Twitter
 - g. all of the above

9. It is okay to text information about your client's since you can erase the text (circle true or false)

True

False

10. It is important that you know how to handle confidential information to protect yourself, your client and your agency (circle True or False):

True

False

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