

HIPAA

PRIVACY AND CONFIDENTIALITY



MediQuest
A Division of Kimco Staffing

HIPAA OVERVIEW

The Health Insurance Portability and Accountability Act (HIPAA) was passed by Congress in 1996. Major objectives include:

- ◇ Protect and enhance the rights of consumers by providing access to health information and controlling inappropriate use of that information.
- ◇ Improve the quality of healthcare by restoring trust in the healthcare system.
- ◇ Improve the efficiency and effectiveness of healthcare delivery by creating a national framework for health privacy protection.

HIPAA standards and requirements apply to "Covered Entities." They include Health Plans, Healthcare Clearinghouses and any Healthcare Provider who conducts electronic transactions.

The *Privacy Rule* under HIPAA:

- ◇ Gives patients more control over their health information
- ◇ Sets boundaries on the use and release of health records
- ◇ Establishes appropriate safeguards that healthcare providers must achieve to protect the privacy of health information
- ◇ Holds violators accountable
- ◇ Requires a "Covered Entity" to make a "reasonable" effort to limit use, disclosure and requests for Protected Health Information (PHI) to the "Minimum Necessary" to accomplish the intended purpose.

ETHICS, LAW AND REGULATION

1. Healthcare Providers are *"morally, ethically and legally"* obligated to create a secure environment for the information they gather, and thus help to *"preserve its confidentiality and protect patient privacy"*.
2. *"Confidentiality"* is the practice of permitting only certain *"authorized"* individuals to access information, with the understanding that they will disclose it only to other *"authorized"* individuals.
3. *"Privacy"* is the individual's right to keep certain information to him or herself, with the understanding that the information will only be used or disclosed with his or her *"permission"*.

INDIVIDUAL PATIENT RIGHTS UNDER HIPAA

- ⇒ Requires the need to obtain authorizations to use PHI for treatment, payment and healthcare operations “TPO” (Treatment Payment Options).
- ⇒ Ability to authorize specified other uses of this information – outside of TPO
- ⇒ Ability to access their health information
- ⇒ Ability to request restrictions of health information uses and disclosures
- ⇒ Ability to receive an accounting for disclosures of health information outside of TPO
- ⇒ Requirement that they receive the Notice of Privacy Practices for the site
- ⇒ Ability to report HIPAA violations to the Covered Entity and Federal authorities

When you access patient information, always ask yourself whether you have a clinical or business “NEED-TO KNOW”

NEED-TO-KNOW

Employees are NOT permitted to access or view confidential medical record information without appropriate authorization and without following proper procedures.

- ◇ *Includes access or view of information on family members, friends, co-workers or other acquaintances unless such access is required by the employee’s job responsibilities.*
- ◇ *Employees will be subject to discipline up to and including termination for breaches in confidentiality of medical record information. In some cases, unauthorized disclosure of confidential information is also subject to criminal and / or civil penalties.*

SET A GOOD EXAMPLE

Always use your professional judgment

You are responsible for any and all information accessed under your sign-on code

When accessing patient information, always ask yourself if there is a clinical or business “need-to-know”

Examples of PHI

- Name
- Social Security number
- Telephone or fax number
- Address
- Health insurance plan ID or account number
- Photograph
- Finger or voice print
- Driver’s license number
- Email address

Identifying PHI

- Can be written or oral form – examples: sign in sheets, insurance cards, conversations, appointment reminder messages on an answering machine
- Can be recorded on paper, computer or other media – examples: tapes, reports, face sheets, faxes
- Reveals the state of a person’s past, present or future health
- Unique to an individual and by itself can identify that person or gives a “reasonable basis” for determining a person’s identity – “individually identifiable”
- Can be PHI whether we create it or receive it