



HIPAA

**(Health Insurance Portability and
Accountability Act)**

Privacy and Security

Training for Educational Observers

What Is Health Insurance Portability and Accountability Act — **HIPAA**?

HIPAA is a Federal law enacted to:



- 🔑 Protect the privacy of a patient's personal and health information.
- 🔑 Provide for the physical and electronic security of personal health information.
- 🔑 Simplify billing and other transactions with Standardized Code Sets and Transactions
- 🔑 Specify new rights of patients to approve access and usage of their medical information




Do the HIPAA laws apply to **you**?

The Health Insurance Portability & Accountability Act (HIPAA) requires that HealthQuest train all members of its workforce, including student observers about the HIPAA Policies and specific procedures required by HIPAA that may affect the work/observing you do.



HIPPA requirements: What are they ?



-  To protect the **privacy and security** of an individual's Protected Health Information (PHI)
-  To require the use of “**minimum necessary**”
-  To extend the **rights of individuals** over the use* of their protected health information

***Use** includes accessing or looking up a patient record in any of our systems or a paper record which is not required for your job.

What Patient Information Must We Protect?

We must protect an individual's personal and health information that...

- ★ Is created, received, or maintained by a health care provider or health plan
- ★ Is written, spoken, or electronic
- ★ And, includes at least one of the 18 personal identifiers in association with health information



Health Information with identifiers =
Protected **H**ealth **I**nformation (PHI)

Protected Health Information (PHI): **18 Identifiers** defined by HIPAA

- ☑ Name
- ☑ Postal address
- ☑ All elements of dates except year
- ☑ Telephone number
- ☑ Fax number
- ☑ Email address
- ☑ URL address
- ☑ IP address
- ☑ Social security number
- ☑ Account numbers
- ☑ License numbers
- ☑ Medical record number
- ☑ Health plan beneficiary #
- ☑ Device identifiers and their serial numbers
- ☑ Vehicle identifiers and serial number
- ☑ Biometric identifiers
 - ☑ (finger and voice prints)
- ☑ Full face photos and other comparable images
- ☑ Any other unique identifying number, code, or characteristic.

In order for the HealthQuest to use or disclose **PHI**

- HealthQuest must make available to each patient a **Notice of Privacy Practices** that:
 - Describes how HealthQuest may use and disclose the patient's protected health information (PHI) and
 - Advises the patient of his/her privacy rights
- HealthQuest must attempt to obtain a patient's signature acknowledging receipt of the Notice



With All of the **State** and **Federal Laws**, what Patient Information Must Be Protected?

All personal and health information that exists for every individual in **any** form:

 **Written**



 **Spoken**



 **Electronic**



This includes **HIPAA** protected health information and confidential information under State laws.

To the patient, it's all confidential information

- ✔ Patient **Personal** Information
- ✔ Patient **Financial** Information
- ✔ Patient **Medical** Information
- ✔ Written, Spoken, Electronic **PHI**



Who Uses **PHI** at HealthQuest?

- ☑ **Anyone** who works with or may see health, financial, or confidential information with HIPAA PHI identifiers
- ☑ **Everyone** who uses a computer or electronic device which stores and/or transmits information
- ☑ **Such as:**
 - Physical Therapists
 - Physical Therapist Assistants
 - Administrative staff with access to PHI
 - Volunteers
 - Students who work with patients
 - Accounting / Payroll staff
 - Almost **Everyone** – at one time or another!



Why is protecting **privacy** and **security** important?



- ✚ We all want our privacy protected!
- ✚ It's the right thing to do!
- ✚ HIPAA and South Carolina laws require us to protect a person's privacy!
- ✚ HealthQuest requires everyone to follow HIPPA & HealthQuest privacy and security policies!

When should you:

- Look at PHI?
 - Use PHI?
 - Share PHI?
-
- Only when required for **t**reatment, **p**ayment or healthcare **o**perations or when permitted or required by law.



HIPAA Scenario #1

A patient arrives for an initial evaluation. He is coming in for PT for a torn ACL with reconstruction. He is the star football player at a local high school. Your best friend follows high school football and recruiting for colleges. Since this athlete is a high level recruit for your friend's favorite college and may not be able to play come August, you know that this is information that your friend would like to know.



Should you give your friend this information?

Ask yourself these questions —

- Do you need to know which college the athlete is going to for you to do your job?
- Does your friend need to know if athlete is going to participate in August Football for him to do his job?
- Would you want strangers to have your private information?



HIPAA Scenario #2

You are reviewing medical charts. While reviewing charts, you saw your sister-in-law's MRI results regarding her Low-Back Pain. In the MRI, which was sent to the clinic before the patient returned to her doctor, it states that she has cancer. At a family function that weekend, you approached her and told her that you were so sorry to hear she had cancer. She did not know her results of the MRI, she had not seen her doctor. You were the first person to tell her!

Did YOU do the right thing?

Ask yourself these questions —



- ❓ Did you need to read the MRI results to do your job?
- ❓ Is it your job to provide a patient with her health information—even if the individual is a friend, family member, or fellow employee?
- ❓ Is it your job to let other people know an individual's test results?
- ❓ Should a HealthQuest employee look at a family member's medical information if not required for his/her job?
- ❓ How would you feel if this had happened to you?

Remember —

Use only if necessary to perform job duties

Use the minimum necessary to perform your job

Follow HealthQuest policies and procedures for information confidentiality and security.



HIPAA **Violations** Can Carry Penalties--

- **Criminal Penalties**
 - \$50,000 - \$250,000 fines
 - Jail Terms up to 10 years
- **Civil Monetary Penalties**
 - \$100 - \$25,000/yr fines
 - more \$ if multiple year violations
- **Fines & Penalties – Violation of State Law**
- **HealthQuest Physical Therapy corrective & disciplinary action**
 - Up to & including loss of privileges and job loss

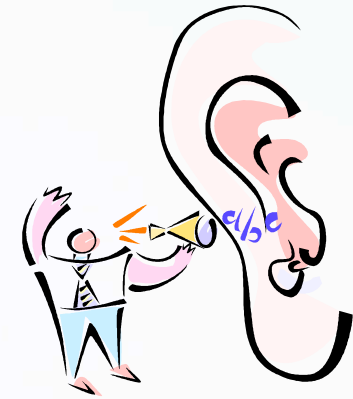


How Can **You** Protect Patient Information: PHI / ePHI / Confidential

- Verbal Awareness
- Written Paper / Hard Copy Protections
- Safe Computing Skills
- Reporting Suspected Security Incidents



Patients can be **concerned** about...



- Being asked to **state out loud** certain types of confidential or personal information
- **Overhearing conversations** about PHI by staff performing their job duties
- Being asked about their private information in a **“loud voice”** in public areas, in
 - clinics, waiting rooms, treatment rooms
 - hallways, gym, pool areas

Protecting Privacy: Verbal Exchanges

🏃 Patients may see normal clinical operations as violating their privacy (*incidental disclosure*)

🏃 Ask yourself- **“What if it were my information being discussed in this place or in this manner?”**



Incidental disclosures and HIPAA

- ✘ **“Incidental”**: a use or disclosure that cannot reasonably be prevented, is limited in nature and occurs as a by-product of an otherwise permitted use or disclosure.
 - ▶ Example: discussions during teaching a student about a patient; calling out a patient’s name in the waiting room; sign in sheets in hospital and clinics.



Incidental disclosures and HIPAA



- ✔ Incidental uses and disclosures are permitted, so long as **reasonable safeguards** are used to protect PHI and **minimum necessary** standards are applied.
- ✔ Commonly misunderstood by patients!

Information can be **lost...**

Physically lost or stolen...

Paper copies, films, tapes, devices
Lost anywhere at anytime-streets, restrooms,
shuttles, coffee houses, left on top of car
when driving away from HealthQuest ...



Or

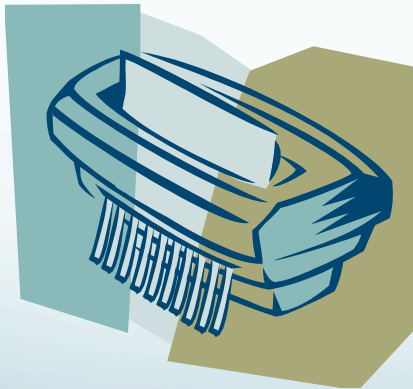
Misdirected to outside world...

Mislabeled mail, wrong fax number, wrong phone number
Wrong email address, misplaced on HealthQuest Computer
Not using secured email
Verbal release of information without patient approval



We need to **protect** the entire lifecycle of information

- 🏃 Intake/creation of PHI
- 🏃 Storage of PHI
- 🏃 Destruction of PHI
- 🏃 For any format of PHI



Be aware that ePHI is everywhere



Thank you for your time and attention to this HIPPA training for the student observer.

