

Alliance for Clinical Education
(ACE)
Student HIPAA Training
Health Insurance Portability and
Accountability Act of 1996

October 2003

Objectives

- Understand the HIPAA Privacy rules and regulations
- Understand patients' rights and your role in protecting them
- Understand your responsibilities under HIPAA - related policies and procedures
- Understand the penalties for non-compliance

Protecting Patient Privacy
IS
EVERYONE'S
RESPONSIBILITY



Your Responsibilities

- Respect the patient's right to privacy
- Know clinical agency's privacy policies
- Be sensitive



Patients are concerned:

- Did you know....
 - 77% of Americans believe that their personal health information privacy is very important and
 - 84% are concerned that personal health information might be made available to others without their consent



- Gallup Poll commissioned by Medic Alert: Nov. 2000

Patients are concerned:



- 8% felt a Web site could be trusted with such information
- 90% said they would trust their doctor to keep information private and secure and 66% would trust a hospital
- 42% would trust an insurance company and 35% would trust a managed care company

- Gallup Poll commissioned by Medic Alert: Nov. 2000

HIPAA

- What is it?

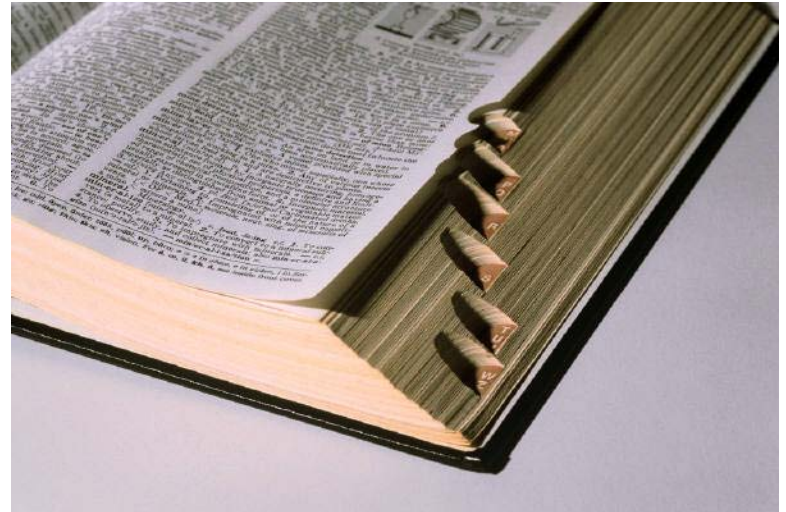
- Health Insurance Portability and Accountability Act of 1996 says:

"Patients have the right to have health information kept private and secure"

**HIPAA is mandatory, there are penalties for failure to comply

Definitions

- Confidentiality and Privacy:
“Means that patients have the right to request restrictions over who will see their protected, identifiable health information”



Setting the Standard for Privacy



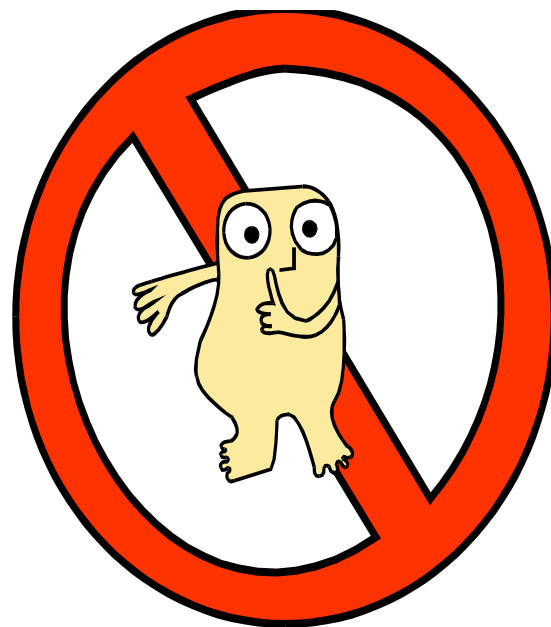
- HIPAA-health insurance portability and accountability act
- Patient bill of rights
- Federal and state regulations
- Accreditation standards
- Case law
- Professional standards of practice



What must be
Kept
CONFIDENTIAL?

Confidential? How do I know?

- Did you learn the information through caring for your patient?
- If yes, then consider it confidential



Understanding PHI (Protected Health Information)

- Protected Health Information means:
 - Individually identifiable information including demographic information, that identifies an individual and meets any of or all of the following criteria:
 - Relates to past, present or future physical or mental condition of an individual; provisions of healthcare or for payment of care provided to an individual
 - Is transmitted or maintained in any form (electronic, paper or oral representation)

Privacy Protected Elements

Health information is considered individually identifiable if any of the following are present:

- Name
- Full address
- Names of relatives
- Name of employers
- Birth date
- Telephone numbers
- Fax numbers
- Electronic e-mail addresses
- Social security number
- Medical record number
- Health plan beneficiary number
- Account number
- Certificate/license number
- Any vehicle or other device serial number
- Web Universal Resource Locator (URL)
- Internet Protocol (IP) address number
- Finger or voice prints
- Photographic images
- Any other unique identifying number, characteristic, code

Patients Right to Receive Notice

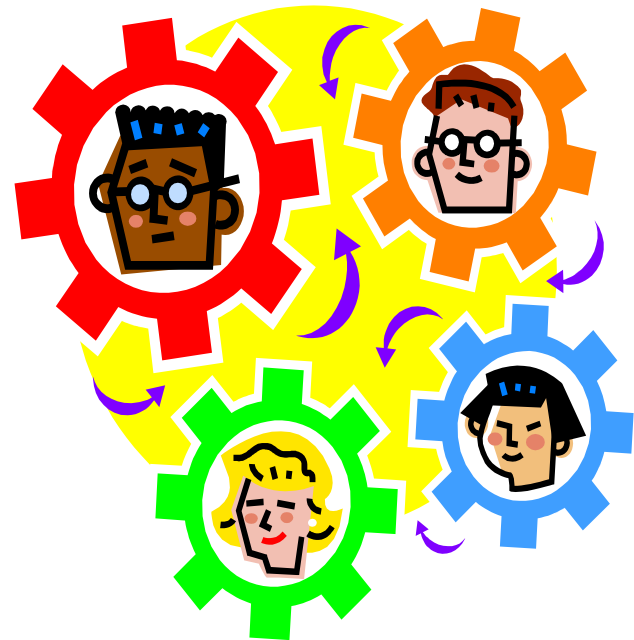
- Definition of Notice:
 - How medical information is used and disclosed by an organization
 - How to access and obtain a copy of their medical records
 - A summary of patient rights under HIPAA
 - How to file a complaint and contact information for filing a complaint

Facilities Notice of Privacy Practices

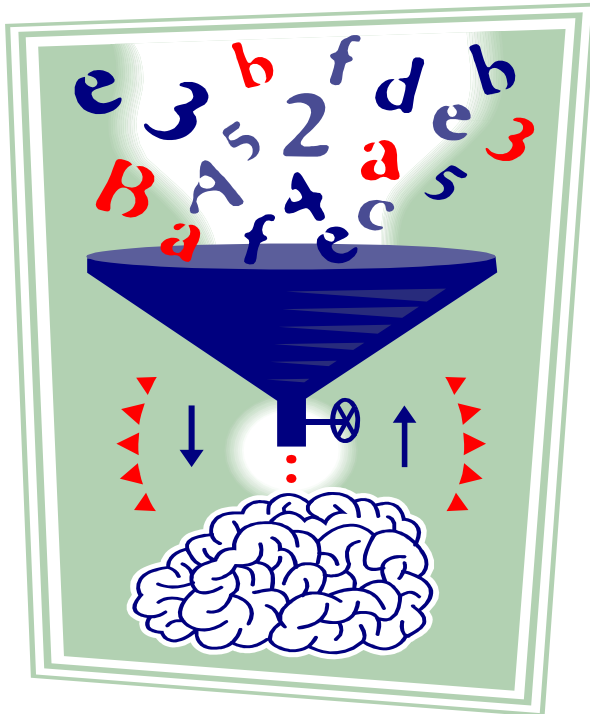
- The patient has the right to receive a Notice of Privacy Practices:
 - Must provide a listing of individual rights and facility's responsibilities
 - Must provide the notice at the first encounter with the patient
 - Must have the patient **ACKNOWLEDGE** receipt of the Notice of Privacy Practices

Minimum Necessary

- HIPAA Requirement:
 - Identify members of the work group who need access to confidential information
 - What group do you belong to?
 - Complete Access:
 - Clinical departments
 - **Students: limited to assigned patient only**
 - Limited Access:
 - Admissions/HIM/Business Office/Food Services
 - No Access:
 - Other Non-clinical departments



Minimum Necessary



- What can I access:
 - Only the information you "NEED TO KNOW" to care for assigned patient

Patient Right to Access

- Patients have the right to:
 - Access or inspect their health record
 - Obtain a copy of their health record from the healthcare provider
 - Reasonable fees may be charged for copying
 - Access and copying for as long as the information is retained
 - Facility must act on request for access no later than 10 days after receipt (Colo. Law)
 - **Students: Refer requests for access to the agency staff**

Patients Right to Request Privacy Restrictions

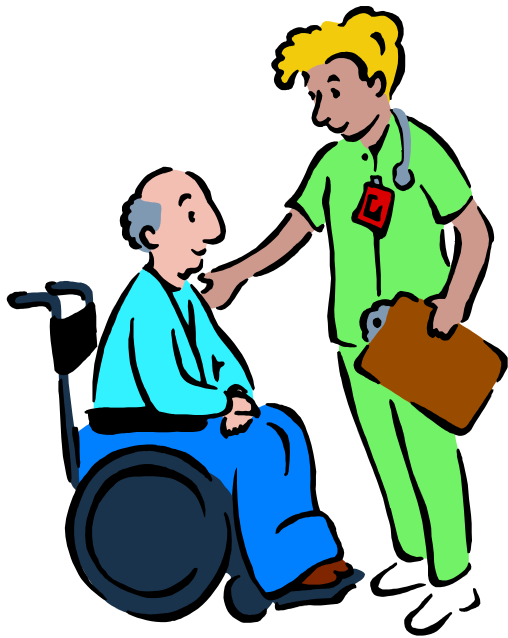
- The patient has the right to request an organization restrict the use and disclosure (release) of their protected health information
 - Can request restriction in use of information for treatment, payment or healthcare operation purposes (TPO)
 - Organization is not required to agree with the restriction's)
 - Requests must be made in writing to the facility privacy official
 - No staff level individual should accept any requested restrictions
 - **Students: Refer requests for restrictions to the agency staff**

Patients Right to Amend



- Patients have the right to request an amendment to their medical record
- Amend is defined as the right to append information with which s/he disagrees. The medical record is not changed in its content
- **Students: Refer requests for amendments to the agency staff**

As a Student How do I Handle....



- An individual asking for access to their record?

- Students: Refer requests for access to the agency staff

Disclosure ??? What is it???



- The release, transfer, access or divulging of PHI (patient health information) to an outside person or entity
- **Students do not participate in this process**

Student Responsibilities

- In a patient room or exam room
 - Close door after entering the room
 - Ask visitors to leave the room unless patient requests otherwise
 - Speak softly if roommate present
- In a clinic or office setting
 - Sign in sheets should contain minimal amount of PHI
 - Street address or reason for visit should not be on sign in sheets

Student Responsibilities: cont

- At the Nurses Station
 - Do not leave patient information, e.g. flow sheets, charts, sticky notes, lab reports or x-rays out in the open where others may view. When finished working on it, put it back where it belongs
 - When at the nurses' station, speak softly when discussing PHI. It is best to use a private area to discuss the patient

Student Responsibilities: cont

- At the Computer
 - Have screen facing away from the public so it is not visible to patients, visitor and other unauthorized persons
 - Always log off when leaving the computer
 - Change the password on your computer if required by clinical facility
 - Do not share your logon information with anyone else. You are responsible for what is done under your logon

Student Responsibilities: cont

- Using E-mail
 - Never use PHI in e-mail attachments or in the email itself for the following reasons
 - E-mail can easily be sent to the wrong person, either on purpose or by accident
 - E-mail does not ensure privacy of information transmitted

Student Responsibilities: cont

- Using an Interpreter
 - When interpreter services are needed, follow clinical agency practice
- In Public
 - Never mention a patient's PHI in public as people are often watching and listening, and you never know who knows the patient

Scenarios

- Following are scenarios to help you think through privacy related situations in the clinical facilities
- After reading each scenario, think how you would answer the question before going to the next slide
- Scenario answers follow each scenario

Scenario #1

- One of your fellow students who had lab work done recently and is also a PVH employee called you from home at your PVH clinical site and asked you to look up her lab results on the computer and give her the results.
- Do you look up your fellow students lab results?

Scenario #1 Answer

- No. Since you are not providing treatment to your fellow student, you are not permitted to look up her lab results and provide them to her. She needs to get this information from her doctor
- At most facilities this applies to your own records as well

Scenario #2

- You see your fellow student reading through a patient's medical record. She is not providing treatment for this patient.
- What do you do?

Scenario #2 Answer

- Tell your clinical instructor for follow-up

Scenario #3

- Your sister's close friend is having surgery at the organization and is on the floor where you are doing a clinical rotation. You do not care for her, but you see her walking in the hall with her primary nurse. She does not see you and you do not approach her. Later, your sister asks her if you saw her and how is she doing? Your response is:

Scenario #3 Answer

- You do not acknowledge to your sister that you saw the patient, her condition or even that she was on the floor.

Scenario #4

- You are working the ER when you see that a neighbor has arrived for treatment after a car crash. You hear someone saying he will be taken to surgery soon. Your neighbor's wife works in another part of the hospital.
- Should you notify her that her husband is in the ER?

Scenario #4 Answer

- No. Tell the nursing staff that you know the patient and his wife. Tell them that if they need to locate her, you can help. When patients are in the hospital, they have the right to decide who should know that they are there. Your neighbor has a right to privacy and may not want to notify his family of the accident. If he is conscious, the ER staff will allow him to decide whom to notify that he is there.

Scenario #5

- You are in the nurses station where the patients medical records are located in the chart rack. You spot the name of a close friend.
- Should you stop by her room?

Scenario #5 Answer

- No. if you learned of your friend's stay only by seeing the name on a medical record on the chart rack, you should not go to her room.
- You should inform your clinical instructor of your relationship with her so that you are not assigned to care for her.

Scenario #6

- You are walking by a trashcan and notice a pile of photocopied records has been laid on top of the trash.
- How should you handle this?

Scenario #6 Answer

- Don't just take the records to a shredder or locked disposal container yourself. Gather the records and take them to your clinical instructor. He or she will report it to the Manager of the unit who will take it to the organization's privacy officer for follow-up.

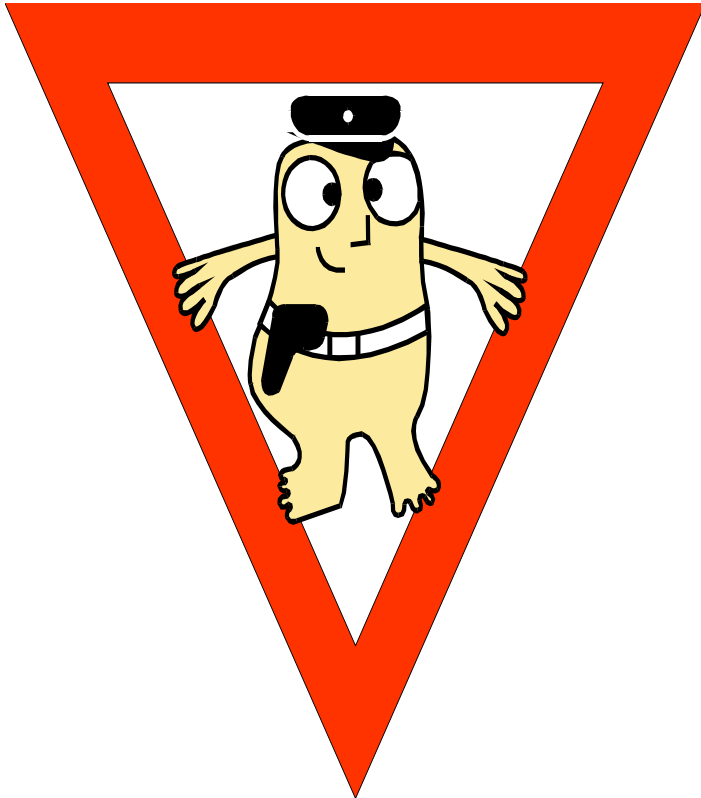
Scenario #7

- At the nursing station, you are approached by a well dressed male. He asks to see a patient record.
- What do you do?

Scenario #7 Answer

- Refer to agency staff for clarification of identification and appropriateness of request.

What Happens If....



- A privacy policy is violated?
 - Patients have the right to file a complaint and
 - Civil and criminal penalties could occur

Patient's Right to File a Complaint

- The patient has the right to file a complaint if s/he believes privacy rights have been violated*



*Organization must provide contact information for filing a complaint

Doing Your Part



- Access confidential information **ONLY** if you need it to care for your patient.
- Protect your computer passwords
- Understand the facilities privacy policies
- Report problems to the agency staff

As a Student

- Patient identification
 - Cannot use patients initials
 - Need to assign a number to the patient for identification
- Care plans
 - Any notes gathered for care planning must be shredded after the assigned shift
 - The use of PDAs or pocket PCs to record patient information is not allowed. **PDAs are for reference use ONLY.**

Penalties.....

- Both criminal and civil penalties for:
 - Failure to comply with HIPAA requirements
 - Knowingly or wrongfully disclosing or receiving individually identifiable health information
 - Obtaining information under false pretences
 - Obtaining information with intent to:
 - Sell or transfer it
 - Use it for commercial advantage
 - Use it for personal gain
 - Use it for malicious harm

