



HIPAA BASICS

What You Need To Know To Protect Our
Patients & Our Agency

WHAT IS HIPAA?

- HIPAA stands for the Health Information Portability & Accountability Act
- Passed by Congress in 1996
- Portability - Transfer of Health Insurance Coverage
- Accountability - Prevent Healthcare Fraud and Abuse



HIPAA DID WHAT?

- ◉ Set standards for Protected Health Information (PHI)
- ◉ Created criminal & civil penalties
- ◉ Established support for the provider-patient relationship



HIPAA PRIVACY RULE:

- Individuals have the right to:
 - Have Minimal Release of PHI Necessary
 - A Copy of Their Health Care Record
 - Request Corrections of Record
 - Control Some Uses and Disclosures of PHI



WHAT IS HEALTH INFO & PHI?

- Health Information is Oral or Recorded Information that:
 - Is Created/Received by a Healthcare Provider, Health Plan, Public Health Authority, Employer, Life Insurer, School or University
 - Related to the Past, Present and/or Future Physical or Mental Health or Other Health Condition Including Payment
- PHI is Defined as Health Information that is:
 - Individually Identifiable (i.e. date of birth, name)
 - Information Maintained in Any Form or Medium (i.e. paper medical record, electronic medical record)

ALL PROTECTED HEALTH INFORMATION (PHI)



Exclude the Following Direct Identifiers of the Patient, Relatives, Employers, or other Household Members Names:

- Postal Addresses
- Telephone Numbers
- Fax Numbers
- Electronic Mail Addresses
- Social Security Numbers
- Medical Record Numbers
- Health Plan Beneficiary Numbers
- Account Numbers
- Certificate/license Numbers
- Vehicle Identifiers and Serial Numbers, Including License Plate Numbers
- Device Identifiers and Serial Numbers
- Web Universal Resource Locators (URLs)
- Internet Protocol (IP) Address Numbers
- Biometric Identifiers, Including Finger and Voice Prints
- Full Face Photographic Images and Any Comparable Images

WHY HIPAA?

ESTABLISHES TRUST...

- ◉ If Patients Do Not Trust, They Do Not Seek Treatment or Give Accurate Information
- ◉ HIPAA Insures:
 - Accurate and complete records
 - Reduces healthcare costs
 - Standard practices across states



PENALTIES FOR NONCOMPLIANCE



- Up to \$50,000 Fine and 1 Year Imprisonment for Knowingly Obtaining or Disclosing Individually Identifiable Health Information
- Up to \$100,000 and 5 Years Imprisonment if Done Under False Pretenses
- Up to \$250,000 and 10 Years Imprisonment if Done With Intent to Sell, Transfer, or Use for Commercial Advantage, Personal Gain or Malicious Harm

WHAT ARE HEALTH RECORDS USED FOR?

- ◉ Plan for Care and Treatment
- ◉ Communicate Among Healthcare Professions
- ◉ Check Results and Improve Care
- ◉ Verify Services Billed
- ◉ Improve Health of All People
- ◉ Support Medical Research
- ◉ Conduct Facility Planning and Marketing
- ◉ Maintain Legal Healthcare Records

PRIVACY REQUIREMENTS



- All Patients Must Be Advised of Their Privacy Rights and Sign the Acknowledgement of Notice (aka Notice of Privacy Practices NPP)
- If Patient Refuses To Sign- Document Such and Place in File
 - Medical treatment cannot be withheld for refusal to sign the NPP
- If Patient is Incapacitated Note Such in File and Present Form to Patient Once Able
- Medical Personal Only Has Access To Medical Records Of Cases They Are Actively Working On

VERIFICATION OF IDENTITY: IN PERSON

- Staff Is Responsible For Confirming Patient Identity
- If Staff Knows Patient Personally No Action Needs To Be Taken
 - If Not Known Personally, Require One Piece of Tangible Identification:
 - Driver's License
 - Military Identification (ID) Card
 - Tribal Registration Card
 - Employment ID Card/Badge
 - Passport
 - School ID, Bus Card (Picture ID)
 - Alien Registration Card



RECORDS REQUESTED

- ⦿ Patient Requesting Own PHI Must Have Matching ID
- ⦿ Additional Verification Should Be Asked (i.e. Last Visit Made, Parents' Names, or Place of Birth)

Law Enforcement Official Must Show:

- ⦿ Official Identification
- ⦿ Law Enforcement Request or Court Order Requesting the Release of Records

RELEASING RECORDS TO PARENT, GUARDIAN OR PERSONAL REPRESENTATIVE:

- Verify Identity of Requestor (i.e. Picture ID)
- Verify Relationship:
 - Copy of a Birth Certificate
 - Court Order
 - Release of information in Medical Record



REQUIRED STAMP OR LABEL: ALL PHI DISCLOSURES

- *"This information has been disclosed to you from records whose confidentiality is protected by federal law. Federal regulations (45 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose."*

REQUIRED STAMP OR LABEL: ALCOHOL/SUBSTANCE ABUSE DISCLOSURES

- *“This information has been disclosed to you from records protected by federal confidentiality regulations (42 CFR Part 2). The federal regulations prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.”*

TECHNOLOGY & HIPAA



FAX Machine Usage

⦿ Location:

- Not in a Public Area
- Only Authorized Staff Can Have Direct Access to FAX Machine

⦿ Medical Records Fax Cover Page Must Include:

- Facility's Identification
- Date of Transmission
- Number of Pages Being Transmitted (Including Cover Page)
- To: Authorized Receiver's Name, Telephone Number, and FAX Number
- From: Sender's Name, Provider's Name (If Applicable), Sender's Telephone Number, and FAX Number
- Confidentiality Statement

TECHNOLOGY USE CONT...

- ◉ Follow phone protocols.
 - Certain individuals like family members might have clearance to be told patient information, verify through the release of information before discussing specifics about care. Other callers should be given only basic information that does not violate HIPAA.
- ◉ Protect workstations. A computer should always be locked when the person who uses it is away from the desk. This is to prevent unauthorized use.
- ◉ Protect papers. Documents like medical claims and bills should be turned face down when the person who is responsible for them is away from the desk. The files must be kept in secure containers where they can't be read by someone passing by.
- ◉ Use HIPAA compliant waste baskets and shredders. Some offices have color-coded trash bins, one set for regular trash like apple cores and gum wrappers, and another covered set of bins for documents. The documents that go in the secure bins get shredded every day. The other trash bins get emptied by cleaning people at night.

Read more: [How to Be HIPAA Compliant in a Medical Office | eHow.com](http://www.ehow.com/how_2051031_be-hipaa-compliant-medical-office.html#ixzz1QmW0dB1H)
http://www.ehow.com/how_2051031_be-hipaa-compliant-medical-office.html#ixzz1QmW0dB1H

TRAINING: TO ALL EMPLOYEES AND VOLUNTEERS

- ◉ New Employees - Within 30 Days
- ◉ To Existing Staff As Policies Are Revised
- ◉ Participation in Training Shall Be Documented and Documentation Maintained for Six Years in Employee's File



CLOSING REMINDERS

- ◉ Treat Each Medical Record As If It Was Your Own
- ◉ Protected Health Information Is Anything That Could Be Used To Identify An Individual
- ◉ HIPAA Is A Federal Law
- ◉ Establishes Trust With Our Patients



Resources: Retrieved June 23, 2011

<http://www.ihs.gov/AdminMngrResources/HIPAA/documents/TrainerShow.pdf>

Photos: Google Images, Retrieved June 29, 2011