

Privacy Education (HIPAA, HITECH) Medical Staff

HIPAA: Health Insurance Portability and Accountability Act of 1996

HITECH: Health Information Technology for Economic and Clinical Health Act. Subtitle D of the American Recovery and Reinvestment Act of 2009 (ARRA)

- Makes massive changes to privacy and security laws
- Applies to covered entities and business associates
- Creates a nationwide electronic health record

Penalties for Non-Compliance

- Criminal penalties for businesses that knowingly and improperly disclose information, (up to \$250,000 and 10 years in prison)
- Civil Penalties: Up to \$50,000 per violation, even if you did not knowingly breach (FAX to wrong number)

FPO (Facility Privacy Official) is Kathleen Wright, 325-5258

- Contact for privacy questions or to report a HIPAA complaint

FISO (Facility Information Security Official) is: Nick Brasel, Director of IT

PHI (Protected Health Information)

- Name
- Address including street, city, county, zip code and equivalent geocodes
- 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

Need to Know: Only discuss a patient or look at the record if you need to treat **YOUR** patient, if consulted or requested to do a chart review

- Only access the minimum necessary amount of information
- You can share information without patient authorization as it relates to TPO (Treatment , Payment & Operations)
- If visitor in room with patient, ask patient if it is OK to discuss care
- **If you call the hospital to request patient information, you will be asked to provide patient identifying information in order to confirm that you are not just a nosey neighbor of the patient:** Patient SS#, DOB, Account number

HIPAA Security Reminders

- **ALWAYS** use cover sheet with confidentiality statement for FAX transmittals. (Highly sensitive information should NEVER be faxed (HIV status, abuse records, etc.)
- **Log off computer terminals when you walk away or not in use.**
- Avoid discussions of patient information in public places such as elevators, hallways and cafeterias
- **Do not leave printed patient information in public view (charts, patient lists left on counters)**
- Do not discussing patient information or post photos on social networking sites
- Do not leave clinical information on answering machine, just your name & number.
- PHI will need to be placed in Shred-It containers for disposal

Patient Authorization Required: use or disclosure of HIV or psychotherapy notes, marketing

Authorization Not Required

- Disclosure for public health activities (preventing, reporting or controlling disease)
- Reports of child abuse or neglect/domestic violence
- Judicial proceedings (court orders & subpoena)
- Law enforcement to help identify a suspect, fugitive, witness or missing person, crime investigations
- Identification purposes for coroners, medical examiners, funeral directors
- For organ, eye or tissue donation disclosure
- To avert serious threat to health or safety

Patient Rights

- Registration will be giving out a Notice of Privacy Practices brochure
- Patients will be given the option to "opt out" of our directory.
- Right to access medical record & to amend , restrict access, accounting of disclosure (HIMS & FPO will handle this-written request required)
- Authorizations need to be obtained from patient to release information for reasons other than for treatment, payment or healthcare operations (TPO)
- May need to verify the requestor according to policy