Protecting Patient Privacy

It's Everyone's Responsibility

Online Self Learning Packet

2010

Instructions for Self-Study Module

1. Review slides of information following these instructions

2. Complete online post-test and submit electronically.

   A score of 80% must be achieved. If a score of 80% is not achieved, you will be notified via email by the Enrollment Specialist and given the opportunity to review the material and retake the test.

Protecting Patient Privacy

Objectives:

- Identify requirements of the HIPAA regulations for uses and disclosures of personal health information
- Define personal health information
- Emphasize the importance of privacy
- Identify examples of how we protect privacy
- Identify information that does not require authorization for uses and disclosures
- Identify patient rights according to HIPAA regulations

What is HIPAA?

- HIPAA stands for the Health Insurance Portability and Accountability Act 1996
- HIPAA is a federal law which:
  - Regulates and sets standards for protecting patient privacy and confidentiality of patient health information
  - Describes how we may use and disclose health information
  - Expands patient's rights regarding their health information
  - Includes penalties for privacy violations

Why do we need training?

- We are all are responsible for protecting the privacy and confidentiality of patient information. In order to fulfill your responsibility, you need to understand the requirements of HIPAA.

- Regulations require the entire workforce receive training

- Aultman is committed to complying with these regulations regarding patient privacy

Why is patient privacy important to us?

- Patients are concerned
  - Patients are aware we share their health information in the course of treatment
  - Patients may have seen or heard news reports of health information being inappropriately used or disclosed
- Patients and the community expect us to protect their health information
- There is growing concern about identity theft
- If we don't protect their health information...
  - Quality of care can be compromised
  - Loss of community reputation
- We have an ethical and moral obligation to protect patient health information

What information is considered private?

- **Protected Health Information (PHI):** any information generated in the course of treating a patient that may allow identification of an individual
- Relates to past, present, or future physical or mental conditions
- Examples: name, address, birth date, admission date, social security number, diagnosis, test results.....

How do we protect patient information?

- HIPAA regulations provide standards to protect health information

- Minimum Necessary Standard:
  - "Need to Know" standard

  - Only access information needed to do your job
    - Example: Nursing personnel may only look up information about their patients. Nurses should not be look up family or friends test results

  - Only disclose information that someone else needs to do their job
    - Example: when making a referral, only disclose information requested for the referral, nothing extra

Safeguarding patient information

- If using a computer- use your individual password - no sharing or posting passwords
- Everyone is responsible for all activity that takes place under your user ID and password
- Discuss patient information privately
  - Pull curtains between patients
  - Speak in a low tone
- Secure charts and forms
  - Unauthorized personnel should not be viewing medical records
- Use shredding containers
  - Place all paper containing PHI in shred containers
  - Contact IS Dept. to discard electronic PHI (CDs, thumb drives, etc.)
  - Place IV bags, etc. in red biohazard bags

Safeguarding patient information cont'd.

- Shield computers
  - If in a high traffic area, turn screen away from the traffic flow
- Follow Aultman's policies and procedures regarding privacy
- Do not remove patient information from the facilities
  - For example, report sheets or any portion of the medical record

Important HIPAA Topics

- How we use and disclose health information
- Patient Directory options
- Friends and Family Standard
- Employee confidentiality
- Patient Rights
- Privacy Compliance
- Notice of Privacy Practices

How we use or disclose medical information

- No patient authorization required for:
  - Treatment (including referrals)
  - Payment
  - Health care operations (e.g., quality improvement, case management)

- No patient authorization required for legally mandated reporting
  - Examples: dog bites in ER, births reported to the state

- Most other uses and disclosures require a signed patient authorization
  - Examples: birth announcements published in the newspaper, using a patient's photo on a bulletin board

Patient Directory

- Listing of admitted, ER, Same Day Surgery patients
- One-word condition (guarded or satisfactory) and location (room number) available to callers who request information <u>by patient name</u>
- Patient may choose to be included in the Directory or opt-out and be excluded
- If patient “opts-out” of directory, no delivered flowers or mail, no information is disclosed to general public
  - Aultman’s term is Do Not Publish (DNP)
    - Patient signs a consent form

Patient Directory

- Outpatient facilities are not included in the Patient Directory
- No information should be disclosed without patient approval
- The patient’s presence at a facility should not be disclosed without patient approval

Family and Friends

- Obtain approval from patient before sharing PHI
  - Oral or written approval is acceptable and should be documented in medical record
  - May use Privacy Communication Sheet to document
  - Patient may change his/her mind at any time
- Use professional judgment when patient is unconscious or incapacitated
  - Utilize Minimum Necessary Standard
  - Family & friends should be actively involved in care in order to receive PHI.
- When in doubt, do not disclose information
  - Ask patient
  - Ask manager

Maintaining Confidentiality Among Employees

- Unless medically necessary, sharing patient information about a patient with another employee is <u>not permitted</u>
  - “Interesting patient stories” are not to be discussed
  - No gossiping about patients and their families

Maintaining Confidentiality Among Employees

- Co-workers receiving health care as patients have the right to have their information kept confidential
  - Do not look up information available on computer systems that is not part of your job function
  - Do not call hospital units and inquire about their condition
  - Employees should not look up their own test results or test results of family/friends

Breaches

- A breach is inappropriate access, acquisition or disclosure of unsecured PHI which compromises the security or privacy of the PHI.

- Under certain circumstances, when a breach occurs Aultman must notify:
  - Patients;
  - Department of Health and Human Services;
  - Prominent media outlet

Patient Rights: Access, Amend, and Accounting

- Patients have the right to request a paper or electronic copy of their health information we maintain
  - Medical Records Department will process Access requests

- Patients have the right to request that their health information be amended (altered)
  - Medical Records will process these requests
  - If request approved, original information will be amended not deleted
  - Amendments will be determined by the originator of the information i.e. physician

Patient Rights: Access, Amend, and Accounting

- Patients have the right to request an accounting of many of the disclosures we make of their PHI
  - Accounting will show disclosures made after April 14, 2003
  - Includes disclosures made for payment, treatment, health care operations

Additional Patient Rights

- Patients have the right to file a complaint
  - With Patient Relations
  - With the Department of Health and Human Services in Washington D.C.
  - No retaliation permitted

- Patients have the right to request to receive communications from us by alternative means or at alternative locations. Examples include:
  - “Send the bill to this address”
  - “Call this cellular number instead of my home”

  - Aultman will attempt to honor the request but is not required to accept the requested restriction

Additional Patient Rights (continued)

- Patients have the right to request certain restrictions on their PHI
  - Examples: patient may request their insurance not be billed for a procedure and pay with cash instead
  - Aultman is required to honor restrictions to health plans if the patient has paid for the service in full

Privacy Officer

- HIPAA rules state we must designate someone to be responsible for assuring compliance with the regulations
- Our Privacy Officer: Tim Regula
- Extension 37448
- Via e-mail at privacyoffice.com
- Compliance Line 1-866-907-6901

Privacy Compliance

- Notify Privacy Officer or your manager if you become aware of any misuses of PHI
  - No retaliation for reporting privacy concerns
- Inappropriate misuse of PHI may result in formal disciplinary action as outlined in the employee handbook
- Regulations contain both criminal and civil penalties for Aultman and the individual violating the patient's privacy
- Victims of privacy violations may receive a share of the penalties that are collected

Right to Notice of Privacy Practices (NPP)

- NPP informs patients how Aultman uses and discloses their PHI.
- Patients must be offered written Notice of Privacy Practices with first contact with Aultman
- Attempt to obtain patient signature on Acknowledgement of Receipt Form
  - If patient refuses, write their name and ID, reason for refusal and forward to Centralized Scheduling
  - Acknowledgement forms will be tracked so we only give Notice once

Summary

- HIPAA is a federal law which:
  - Sets standards we must comply with to protect patient information
  - Gives patients new rights
  - Includes penalties for violating patient privacy regulations
- Aultman is committed to protecting patient's privacy by complying with the regulations
- Quality patient care includes protecting patient information
- Protecting patient information is everyone's responsibility

Instructions

- Complete the HIPPA exam by copying the link into your internet web browser:
- http://www.surveymonkey.com/s/PGMV38D