HIPAA and Patient Privacy

In-Service

HIPAA
Health Insurance Portability and Accountability Act

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Course Objectives

- To provide an overview of HIPAA and its impact on your activities
- To provide information about your responsibilities in regard to patient privacy
- To provide information about what to do if you are uncertain as to privacy policies or have questions or concerns about privacy

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Resources to understand Your HIPAA Responsibilities

- Read the Employee Handbook or Contractor Guidebook – sign the HIPAA Acknowledgement
- Review the Contractor Professional Services Agreement
- Search the web and utilize resources from:
  - Department of Health & Human Services
  - APTA
  - Joint Commission on Administration
  - CHAP

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What is HIPAA?

- Health Insurance Portability and Accountability Act of 1996
  - Comprehensive act which addressed many issues, such as continuation of care after termination of employment, patient privacy and security of medical record keeping
  - Biggest impact for clinicians are Privacy and Security Requirements
- HIPAA Privacy section requires Hospitals, Physicians, HHA and Aptiva to protect the privacy and confidentiality of patient information
- HIPAA Security section requires protection of electronic records

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Aptiva is a “Business Associate”

- HIPAA requires we have a formal arrangement with HHA’s that specifies by contract that we will abide by HIPAA
- If you are an employee, you are covered because Aptiva is a Business Associate of the HHA
- If you are a contractor, you are also bound as a Business Associate, and agree to abide by HIPAA per the Professional Services Agreement

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Patient Privacy

- HIPAA requires privacy of Protected Health Information (PHI)
  - Any "individually identifiable patient information" that relates to:
    - The individual's past, present or future physical or mental health condition
    - The provision of healthcare to the individual, or
    - The past, present or future payment for the provision of services to the individual
  - This includes demographic data such as name, address or age that is tied to any of the above information

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The Privacy Rule

- The Privacy Rules define and limit the circumstance under which PHI may be used or disclosed by "covered entities" such as HHAs, Aptiva, and anyone contracted by Aptiva

- A covered entity may NOT disclose PHI except:
  1) as the Privacy rule permits; or
  2) as the patient (or the patient's personal representative) authorizes in writing.

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Privacy Rule Permitted Disclosures

- Aptiva is permitted to use and disclose PHI without a patient's authorization for the following purposes and situations:

    1) For treatment, payment and health care operations
    2) For public interest or benefit;
    3) For research purposes when a limited data set is used;
    4) If required by law or regulation

- Generally, reasons 2), 3) and 4) will rarely, if ever, apply for you

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Aptiva Permitted Uses

- Protected Health Information for treatment, payment or health care operations, for example:
  - Referral information provided to you in order to treat the patient, including name, address, age, diagnosis, and reimbursement information
  - Personal health data, such as goals, measurements, care plans, and other information you create or which is shared by care team members including the Physician, HHA, and fellow clinicians
  - Patient specific information provided to patients and their representatives for clinical purposes and education
- Visit information that serves as the basis for your pay
- Billing information submitted to HHAs
- Information submitted based on RFIs or other regulatory purposes

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Patient Disclosure

- HHAs should provide every patient with HIPAA related disclosure as part of their orientation

- Never discuss a patient's condition with a person unless they are a part of the patient's care team or the patient has given written permission

Access to PHI

- Access is provided through HIPAA compliant Electronic Healthcare Records (EHR) systems, such as Kinnser or EPIC
- Access is granted specifically to facilitate healthcare related duties
- Any access that is NOT work-related is prohibited

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EHR Security Rule Requirements

- Confidentiality – health data is not disclosed to unauthorized persons
- Integrity – the data is maintained in a secure fashion and can not be altered or destroyed by an unauthorized user
- Availability – the data is accessible and useable upon request by an authorized person

Appropriate Access to EHR

- Use only for creation of medical documentation and related operations
- Never access patients without a medical or administrative necessity to do so
- If you or a family member becomes a patient, do not access your or their own records
- If you do want to see your own PHI, submit a request to the Provider
- Do not share your passwords or access to the system
- You are responsible for maintaining a secure system

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Privacy Best Practices

- Use the secure email features of EHR (ie. K-mail)
- Ensure that any electronic device that is used by you for patient communication is password protected
- Ensure any email transmissions are encrypted (you should be using the SSL/TLS encryption protocols with your email provider which requires a password)
- Log off your device when not in use
- Take care when in public spaces to shield screens and ensure you never leave paperwork out and viewable by others
- Delete medical records from your device after they have been transmitted (and an appropriate period to ensure they are received)
- Shred any paper documentation that is no longer needed.

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Some Don'ts

- Don't leave patient related documents or electronic devices where they can be accessed by others
- Don't use texting to send PHI (unless partial and completely anonymized i.e. no name, no diagnosis, no agency)
- Don't access medical records without work necessity
- Don't talk about patients or cases with friends or co-workers who are not engaged in treating the patient
- NEVER mention PHI in a social media forum or platform

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Consequences

- Aptiva sanctions could include reprimand, suspension or termination
- Federal Sanctions
  - Civil penalties from $100 to $1,500,000
  - Criminal penalties from $50,000 to $250,000
  - Imprisonment from 1 to 10 years
  - Loss of professional license to practice
  - Suspension or exclusion from participation in State or Federal programs

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Questions?

- If you are unsure as to policy or have questions, contact Aptiva for clarification
- If you are uncertain as to a specific situation, err on the side on non-disclosure
- If you are aware that others may be violating HIPAA related policies, please address the issue with them or refer the situation to Aptiva
- If you become aware of the loss of patient information, notify Aptiva immediately

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Summary

- HIPAA imposes patient privacy standards which we each need to understand and meet
- Protected Health Information includes data which relates to any individually identifiable patient information related to medical conditions, providing healthcare, or payment for those services
- Use passwords, secure technology and pay attention to where and how you access patient information
- Report any potential loss of patient information to Aptiva
- Don’t hesitate to contact Aptiva regarding any questions you have

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