

# **HIPAA**

## **(Health Insurance Portability and Accountability Act)**

### **Awareness Training**

#### **For: Volunteers, Interns, and Contractual Providers**

**New Horizons North Inc.** has a strong tradition of protecting the privacy of all the individuals we provide services for. Confidentiality has always been part of the health care culture. However, now there is a new law that sets a national standard to protect medical records and other personal health information. It is called the Health Insurance Portability and Accountability Act or HIPAA.

**Training Objectives:** Understand what HIPAA is; know the meaning of Protected Health Information (PHI); understand the significant of Treatment, Payment and Operations (TPO) and why it is important to remember; understand what is new with consumer or client rights; know the consequences for non-compliance with the law. Recognize the importance of making a renewed commitment to consumer or client confidentiality.

#### **What is HIPAA?**

HIPAA is a law passed by Congress in 1996 that sets national standards for the protection of consumer or client information, with a compliance deadline of April 2003. HIPAA applies to health care providers including hospitals, public health departments, medical professionals, insurance companies, labs, home care companies, and surgery centers. HIPAA covers ALL forms of protected health information, i.e. oral, written, and electronic.

#### **Why are we, as volunteers, interns, and contractual providers involved with HIPAA training?**

It is everyone's responsibility to take the confidentiality of consumer or client information seriously. Anytime volunteers, interns, and contractual providers come in contact with consumer or client information (or any personal health information) written, spoken, or electronically transmitted, they become involved with some facet of HIPAA regulations. It is for this reason, that the law requires awareness training for all health care personnel.

### **What is Protected Health Information (PHI)?**

HIPAA refers to this information as Protected Health Information (PHI). Any health information that identifies someone or can be used to identify someone **MUST BE PROTECTED**. According to HIPAA, all of the following information can be used to identify a consumer or client:

- Addresses
- Dates
- Telephone or fax numbers
- Social Security numbers
- Medical records numbers
- Consumer or client account numbers
- Insurance plan numbers
- Vehicle information
- License numbers
- Medical equipment numbers
- Photographs
- Fingerprints
- Email addresses
- Internet addresses

This information is referred to as Individually Identifiable Health Information (IIHI). Removing a consumer or client name from a chart is no longer sufficient to de-identify the consumer or client.

### **Sharing Consumer or Client Information**

HIPAA, under the Consent Rule, allows for the provider of care to use health information for Treatment, Payment, and Operations (TPO). Before HIPAA, it was common to use consumer or client information for other purposes and to share more than the minimum necessary information. Now consumers or clients need to give prior authorization for the use of their health information for non-TPO purposes. Under the Minimum Necessary Rule, volunteers, interns, and contractual providers should only have access to the information they need to fulfill their assigned duties.

### **What is TPO?**

HIPAA allows us to share consumer or client information for:

**Treatment:** providing care to consumers or clients

**Payment:** getting paid for caring for consumers or clients

**Operations:** normal business activities such as quality improvement, training, auditing, customer service, and resolution of grievances.

If use of the information does not fall under one of these categories, you must have the consumer's or client's signed authorization before sharing that information to anyone.

### **Does My Sharing This Information Involve TPO for that Consumer or Client?**

The answer is **NO**. Do not pass any information along unless you have been authorized to do so. This includes information you may see or hear as a volunteer, intern, or contractual provider about fellow volunteers, interns, contractual providers, friends, and acquaintances receiving treatment. Sharing information for non-TPO purposes requires authorization from the consumer or client involved.

## Scenarios:

*#1: During the course of your regular duties, you enter a consumer's room to find a fellow volunteer, intern, or contractual provider who has been hospitalized.*

It is OK to: converse with them as you would normally do with other consumers or clients as part of your routine duties. Mention if he/she chooses to have the office notified. It would be best, however, for that person to notify the office directly.

It is NOT OK to: talk about the hospitalized person's condition to anyone unless they have authorized the release of that information.

*#2: You work where you have access to the consumer census. While performing your regular duties, you come across the name of an acquaintance.*

It is OK to: Continue with your regular duties, disregarding the information you happened upon. Only use consumer census for minimum information necessarily to do your job.

It is NOT OK to: Assume, because he/she is a personal friend, it is OK to notify the volunteer office or others you know. Scan the census, looking for people you know.

*#3: You are having lunch with a group of co-workers, and someone makes the statement "Did you know that Mary is being treated in the surge treatment center?" (Or makes a similar statement)*

It is OK to: politely stop the conversation and remind people that sharing personal health information for non-TPO purposes is not something we do. A reminder to all that we need to be HIPAA-wise would be a very appropriate comment.

It is NOT OK to: talk about any person's health information, without authorization, even amongst friends or co-workers.

## What are the consequences for not complying with the law?

It has always been against New Horizons North policy to improperly share, use, or dispose of consumer or client information in the wrong way. Under HIPAA, there are now fines and penalties for this. WE treat privacy seriously, which is why every team member is required to sign a confidentiality form. A breach of privacy may result in termination. Wrongful and willful disclosure of health information carries fines and can involve jail time.

## What is new with consumer or client rights?

Under HIPAA, consumers or clients have a right to know how their health information may be used or disclosed and that they have certain privacy rights. These rights, some new and some revised, are communicated to our consumers or clients through a document called Notice of Provider HIPAA Privacy Practices (NPHPP).

New rights allow consumers or clients to:

- Obtain a list of who we have shared their health information with for the past six years
- Request to amend their medical record

- Request other communications, such as asking to be notified of lab results only at work and not at home.

Revised rights allow consumers or clients to:

- Request restrictions on the use or sharing of their information.

## **Providing for the security of consumer or client information**

### **With Computers:**

We have to make sure all health information, no matter where it is, is secure. This includes information stored on computers. Everyone who uses a computer has a duty to keep health information secure. HIPAA says we must protect all consumer or client information on computers by:

- Properly signing on with individual IDs and passwords
- Signing off of computers if walking away from the desk
- Keeping IDs and passwords CONFIDENTIAL
- Protecting computer screens from unwanted viewing
- Through proper disposal of information:
  - We have to handle and dispose of consumer and client information carefully, such as using a shredder instead of throwing consumer or client information away.
  - RULE OF THUMB: NEVER dispose of consumer or client information in any open area trash bin. When in doubt, ASK.

### **With the use of e-mail and faxes:**

HIPAA says we must protect all consumer or client information transmitted electronically.

## **Reporting Violations**

It is everyone's responsibility to report violations or wrong doings, whether someone received consumer or client information improperly, or shared consumer or client information in the wrong way; everyone has a responsibility to report violations. When in doubt, ASK. Your supervisor is a good place to start for answers to your questions or for reporting issues.

### **Remember to...**

Always stop and ask yourself, should I be sharing this consumer or client information? If it doesn't pertain to TPO, don't discuss it.

Think of the consumer or client information as protected information, not for sharing.

Dispose of consumer or client information by placing in appropriate shredding bins, never in an open wastebasket.

Turn off computer screens if you leave the station for any reason.

Report all abuses-enforcing the regulations is everyone's responsibility.