



HIPAA COMPLIANCE

PRIVACY AND SECURITY TRAINING

APRIL 2, 2020



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Reach out to our HR & Safety training teams directly
hrtraining@proservice.com and safety.training@proservice.com





Arielle Faith Michael
Safety Training & Development Specialist

Experience:

25+ years in construction and electrical safety;
healthcare

What I love about my job:

Serving the community through education and
being a part of a fantastic team!



Objectives



Define HIPAA



Determine how to use and disclose private information appropriately



Discuss methods for safeguarding private information

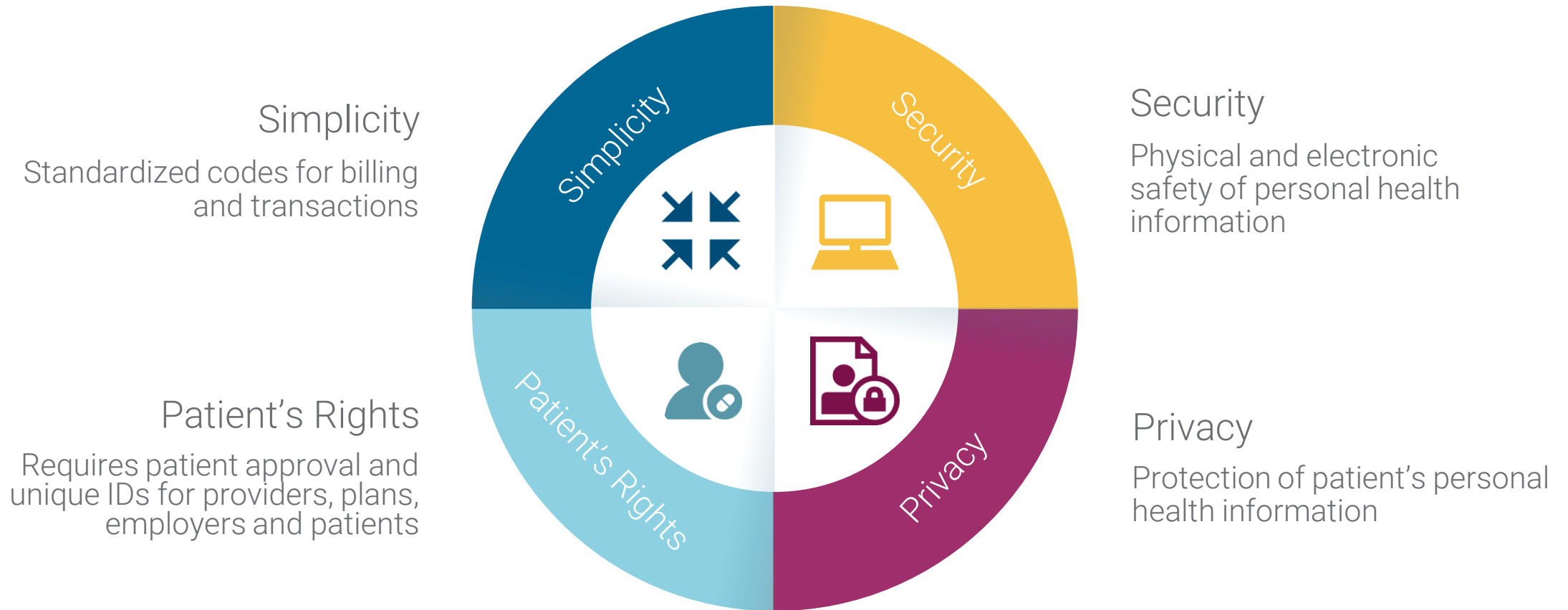


Identify the steps for handling improper disclosure

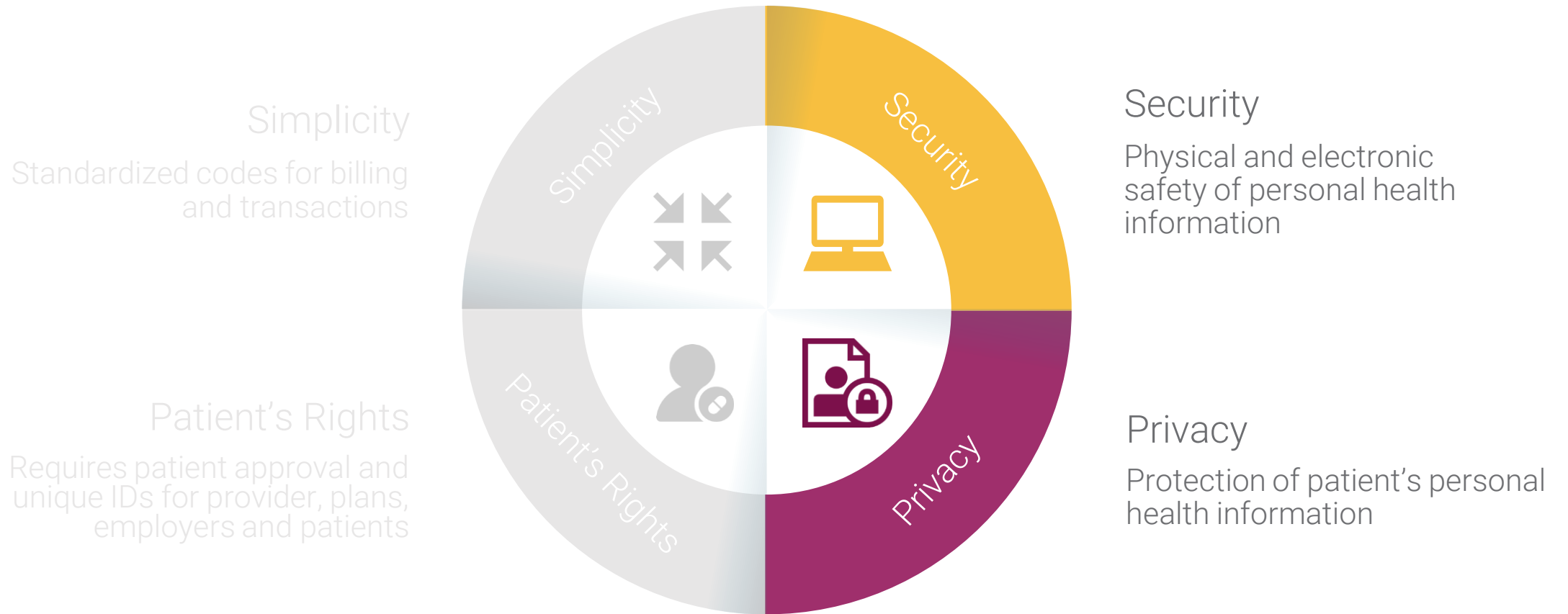


WHAT IS HIPAA?

HIPAA is an acronym for Health Insurance Portability and Accountability Act



YOUR LEGAL OBLIGATION



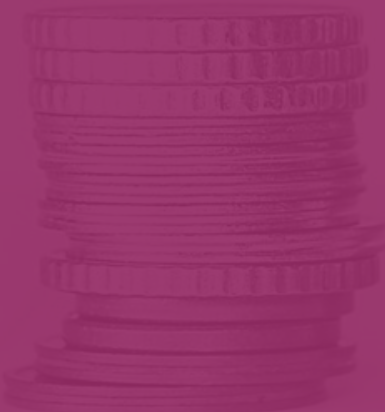
COST OF VIOLATING HIPAA

\$1,000

\$10,000

\$50,000

JAIL TIME



IN THE NEWS...

\$18.5 Million

- Blue Cross Blue Shield of Tennessee
- Data Breach
- Theft of 57 hard drives
- Contained PHI of approximately 1 million members

\$55,000

- Health Net
- Failure to inform customers of lost PHI and unencrypted computer hard drive
- 1.5 Million people affected



IN THE LOCAL NEWS...

1 Year Prison Term

- 22 year old Honolulu woman
- Accessed PHI of sister-in-law
- Posted confidential information on MySpace
- Classified as a Class B Felony



PROTECTED HEALTH INFORMATION (PHI)

Definition

Any individually identifiable health information related to a person's "past, present, or future physical or mental health condition."

Includes information that is:

- Written, spoken, or electronic information
- Created, received, or maintained by a healthcare provider or health plan
- One of the 18 personal identifiers



PHI: 18 IDENTIFIERS DEFINED BY HIPAA

1. Name
2. Address
3. All elements of dates, except year
4. Telephone number
5. Fax number
6. Email address
7. URL address
8. IP address
9. Social security number
10. Account numbers
11. License numbers
12. Medical record number
13. Health plan beneficiary number
14. Device identifiers and their serial numbers
15. Vehicle identifiers and serial number
16. Biometric identifiers (finger and voice prints)
17. Full face photos and other comparable images
18. Any other unique identifying number, code or characteristic.



COVERED ENTITY



**Healthcare
Providers**



**Healthcare
Plans**



**Healthcare
Clearinghouses**



OBLIGATIONS

1. Create appropriate privacy and security policies which include:

- Role-based rules on information use
- Training and sanctions to ensure that workforce practices and policies are followed

2. Notify patients of privacy practices

- Patient rights
- Covered entity's obligations



CRAFTING A POLICY FROM HIPAA'S RULES

Simple Privacy Policy Statement:

The Provider will disclose or use the patient's information in the following ways:

- To communicate with people directly involved with the patient's care
- For the payment of services
- For the protection of public health as provided by law
- For any other purposes authorized/or required by law
- Authorized by the patient or other legally authorized individual/or entity



PATIENT RIGHTS

The patient is entitled to:

- Access
- Amendments
- Accounting
- Confidential Communications
- Complaints





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Using and Disclosing PHI



WHEN CAN YOU DISCLOSE PHI?

Written patient consent is not required:

- For treatment, payment or healthcare operations
- When requested by affected individuals
- When requested by law enforcement
- When authorized by the affected individual
- When ordered by the court or tribunal

Patient prior written authorization is required for:

- Marketing
- Psychotherapy notes
- Fundraising



IF YOU NEED THE PATIENT'S AUTHORIZATION

Use plain English

Include these core elements:

- What - Specific and meaningful description
- Who - Who is allowed to share? Who can the information be shared with?
- Why - Why is the information being shared?
- When - An expiration date
- Signature of the individual and date



ADDITIONAL ELEMENTS

Statement of an individual's right to revoke the authorization must be in writing for:

- Revocation right and procedures
- Exceptions to the right to revoke



YOUR PATIENT'S FAMILY AND FRIENDS

Disclosing PHI to Others:

- You are permitted, in most circumstances, to communicate with the people involved with the patient's care or payment for care
- **Remember:** Your patient can restrict and/or authorize the disclosures



DISCLOSURES FOR PATIENT'S CARE OR PAYMENT

	Family or Friend	Other Person
Patient is present and has capacity	1. You obtained the patient's agreement, or 2. Give the patient an opportunity to object and they did not object, or 3. Based on your professional judgment, the patient would not object	
Patient is not present or incapacitated	In your professional judgment, it is in the patient's best interest.	You are reasonably sure the patient has included the other person in their care, and in your professional judgment, disclosure is in the patient's best interest.
	Use your professional judgment/experience to allow someone to pick up prescriptions, medical supplies, X-rays, or the like for the patient.	



SCENARIO 1

A patient's sister asks the nurse on duty about the condition of her brother but her brother has stated no one is to know his condition.





SCENARIO 2

A patient asks their friend to come with them to the treatment room.



SCENARIO 3

An aging patient cannot read bills but has questions. She routinely brings an aide or her adult daughter to read the bill.



SCENARIO 4

Teenager comes to office with parent who is paying for treatment. Teenager does not want parent to know health info.



SCENARIO 5

Teenage patient requests her pregnancy not be shared with her parents.





SCENARIO 6

Police request dental records to identify a body.



PERSONAL REPRESENTATIVES AND MINORS

Personal Representatives (PR)

- Treated like patient
- Such as power of attorney

Parents are Personal Representatives for minors unless:

- The State doesn't require consent for the treatment
- The court/law authorizes someone else to make decisions
- The parent agrees to the confidentiality



HAWAII LAWS AND PATIENT PRIVACY

STDs

Social Security
Numbers

Mental Health



NOTIFYING PATIENTS ABOUT YOUR PRIVACY POLICY

Contents:

- How you may use and disclose PHI
- The individual's rights
- Your legal duties
- Who to contact

Notification:

- Prominently post it in every room
- Copies in waiting room
- Posted on website
- Hard copy for 1st time
- Annual review





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Safeguarding Private Information



BUSINESS ASSOCIATES

Review policies and procedures in the agreement with business associates

Consider the following:

- Immediate notification of breach of PHI
- Indemnification in case of breach of PHI
- Review a contractor's procedures



METHODS OF SECURING PHI

Limit or Prevent Access:

- Have clear, written procedures
- Use locks and passwords
- Use screen protectors
- Limit access to keys and passwords
- Require signing out of records
- Wipe and destroy hard drives
- Shred documents



METHODS OF SECURING PHI

Safeguard Exchanges:

- Ensure employees complete training
- Speak quietly in open spaces
- Be aware when answering phones
- Avoid using patient names in public areas
- Post signs to remind employees
- Have conversations behind closed doors
- Never use “reply” or “reply all” in emails



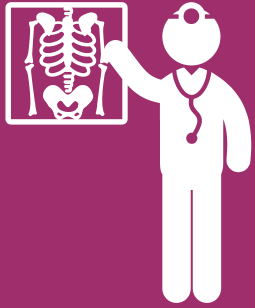


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Handling Improper Disclosures



THE BREACH NOTIFICATION RULE



**Identify
Breach**



**Notify affected
individuals without
unreasonable delay**



**Notify Health and
Human Services
secretary**



**Notify media if
>500 people affected**



CALL TO ACTION

- Review HIPAA Manual
- Verify processes within your organization
- Conduct HIPAA self-assessment checklists
- Require all staff to attend HIPAA Compliance training
- Webinar – available on quarterly basis
- On-demand trainings – available at employee's convenience



SPOT THE RISKS



A nurse is helping answer some questions for a family, but gets interrupted by another resident.



A nurse is helping answer some questions for a family, but gets interrupted by another resident.



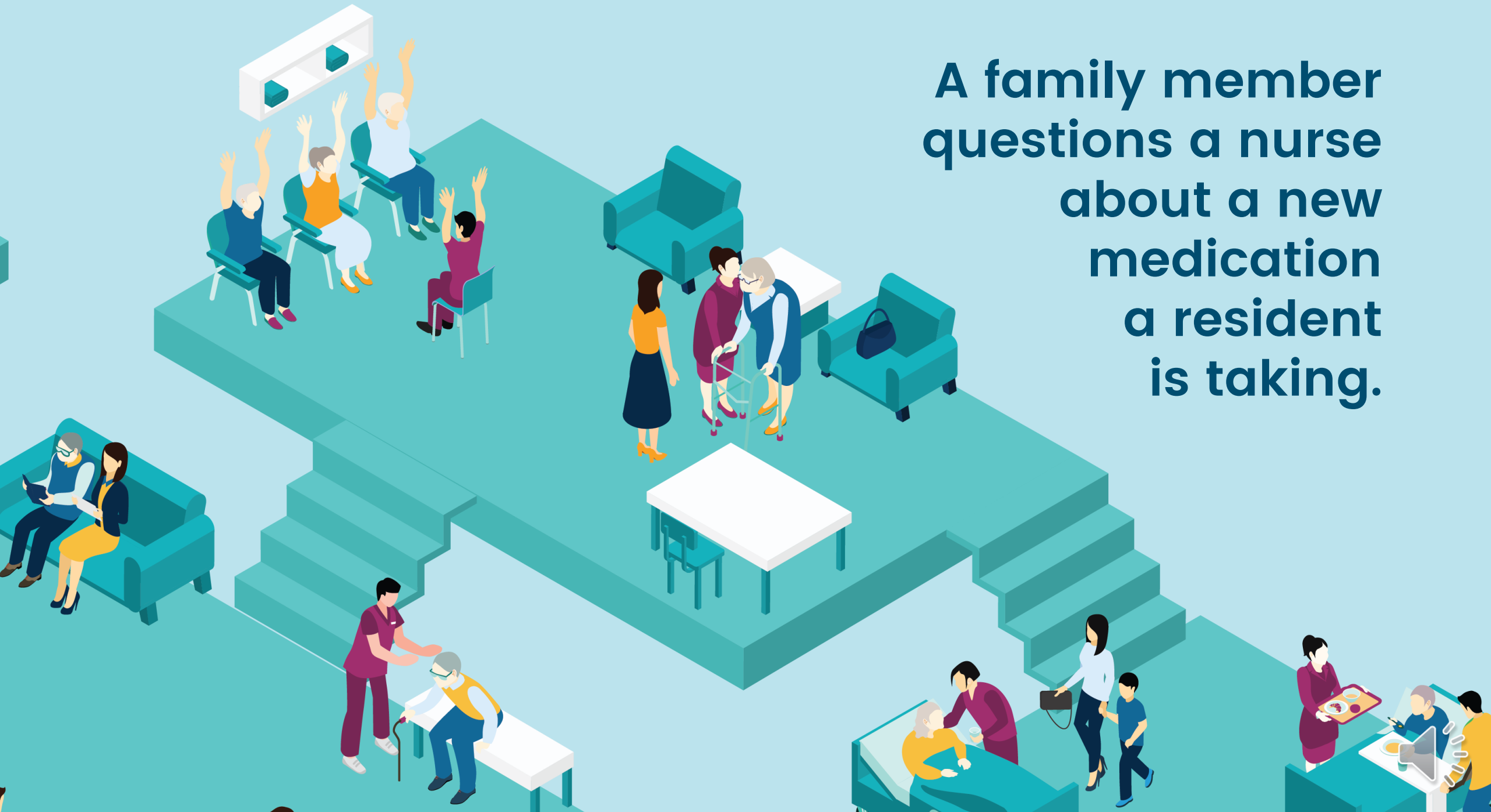
**Family
members
check in to visit
residents.**



**Family
members
check in to visit
residents.**



**A family member
questions a nurse
about a new
medication
a resident
is taking.**



**A family member
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is taking.**



**Family members
ask about the
condition of
the residents
they are
visiting.**



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**Residents
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A nurse is helping answer some questions for a family, but gets interrupted by another resident.



A family member questions a nurse about a new medication a resident is taking.



Family members check in to visit residents.



Family members ask about the condition of the residents they are visiting.



Residents enjoy time and meet with family members in a common room



Learning Outcomes



Defined HIPAA



Determined how to use and disclose private information appropriately



Discussed methods for safeguarding private information



Identified the steps for handling improper disclosure



Knowledge Check



What are the four parts of HIPAA?



Knowledge Check



When is it okay to disclose PHI without patient approval?



Knowledge Check



How can you prevent unapproved access to PHI?



Knowledge Check



What are the four parts of the breach notification rule?



We appreciate your feedback!

Please complete our survey:

1. Open the camera app on your smart phone
2. Point the camera towards this QR Code →
3. A link will pop-up on your screen (no need to take a picture!)
4. Tap on the link to access and complete our survey.

www.surveymonkey.com/r/PSH2020Training



Thank you for joining us!

Be Safe

