

Understanding HIPAA



HIPAA Guidelines

What is HIPAA?

HHealth

Insurance

Portability and

Accountability

Act

HIPAA is a federal privacy law that health professionals must follow in order to keep a patient's medical information confidential.



Why was HIPAA created?

- improves the access to health insurance
- protects the privacy of health care information
- promotes the standardization of electronic health care related records to improve and safeguard their use

How does HIPAA privacy rule protect the privacy of the patient?

- limits how personal health information can be used
- requires security of health records in paper, electronic or other forms
- allows patients to know their rights



What is confidentiality?

All information about a patient is considered private or confidential

Name

Age

Address and phone number

Any other personal information

Confidentiality also includes

- the reason the patient is sick or in the hospital
- the treatments and medication he or she receives
- caregivers notes
- past information about health conditions
- the patient's prognosis
- billing or payment information

Confidentiality should be kept whether the patient's information is written on paper, saved on a computer, or spoken aloud.



If you reveal any of this information to someone who does not **NEED** to know it, you have violated HIPAA and you have broken the law, even if they work with you.

Even accessing the information without a **NEED** to know is a serious violation.



If a patient feels that we cannot be trusted with his or her information, the patient may withhold important details for fear of being exposed

It is very important that the patient knows we can be trusted so that we can provide the best medical attention possible

Do you need to know?

HIPAA is easy to follow if you just remember, “do I need to know this information?” If you need to see patient information to perform your job, you are allowed to do so.

Even doctors and nurses don't have the right to look at all information about every patient. *For example, if a doctor is caring for a child, he/she has no right to look at the medical record of the parent unless the parent is also a patient receiving treatment from that doctor.*

What if???

What if you were diagnosed with a communicable disease? *How would you feel if the information was revealed?*

What if you see a member of your church who looks really sick? *How would he feel if everyone at church knew something was wrong?*

What if?

What if your favorite teacher was diagnosed with cancer? *What would happen if someone at the hospital told someone in her family before she could?*

What if your sister found out she was pregnant? *What would happen if a student volunteer told her parents and they called to congratulate your parents before they even knew?*

Other situations that you might encounter while shadowing

1. A girl from your school is in the maternity ward because she just had a baby
2. A classmate's mother is hospitalized and being treated for depression
3. You see the daughter of a family friend getting help for problems with an eating disorder
4. You see a neighbor who is hospitalized because he is getting a liver transplant
5. You see or hear information about a high profile injury or death from a news story.

These situations show how important confidentiality is to the hospital and to the patients.

In order to prevent situations like these from happening, health care facilities must enforce HIPAA



Even though it may be very tempting to tell someone else who may know the patient about what you saw, you cannot share or talk about this information with anyone other than the person you are shadowing at the clinic or the facility.

Scenario #1 (to consider)

You are curious about why a neighbor was in the hospital. You have access to this information.

Is it okay to look?



Scenario #2 (to consider)

A patient is leaving the office and forgot one of his medications. You call out, “Mr. Johnson, you forgot your heart medicine!”

Is this a violation of HIPAA regulations?



Scenario #3 (to consider)

You are waiting in line in the cafeteria and you start telling another shadowing student about a patient and the difficulties she is having with her pregnancy.

What is wrong with this situation?



Scenario #4 (to consider)

You see a patient at the gas station and she asks you a question about her visit to the doctor that day.

How should you handle the situation?



If a spouse, parent or adult assumes that since you are a friend or familiar with the patient that you might be inclined to share information freely, you must be prepared to say **no**. It is not appropriate for you to discuss patient information in public, **no matter what!**



Consequences!



There are consequences to breaking patient confidentiality. Criminal penalties include fines of up to \$50,000 and 1 year in prison or more. Civil penalties are an additional \$100 per violation, up to \$25,000 per year.

Think about the consequences for the patient who had their privacy revealed

How to Avoid Inappropriate Disclosures

- Keep your voice low when speaking with a patient or about a patient's care.
- Ask visitors to leave the room when discussing a patient's care with the patient.
- Don't give your computer passwords to anyone.
- Log off when you are finished or when you have to step away from the computer.
- Don't talk about patients in inappropriate locations, such as the stairwells, elevators, cafeteria, or outside the hospital (i.e., the store, church, or home).



Any questions?



Email us with questions at
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