

HIPAA

Privacy and Confidentiality

Why are privacy and confidentiality important?

No matter where one works in healthcare- the hospital, labs, radiology centers, nursing homes, doctors' offices, business units IT, or in the patient's home- it is important to understand what privacy and confidentiality mean.

Patients have the right to control who will see their protected, identifiable health information. Communications with or about patients involving patient health information will be private and limited to those who need the information for treatment, payment, and healthcare operations. Such communications may involve verbal discussions, written communications, or electronic communications. Only those people with an authorized need to know will have access to the protected information.

Hospitals and healthcare organizations have always upheld strict privacy and confidentiality policies. Unless you are new to healthcare, this idea will be familiar to you. However, the U.S. government strengthened the laws protecting privacy and confidentiality in response to situations in which private medical information has ended up in the wrong hands.

There have been cases in which employers have fired good employees after learning of illness that could lead to lost work time and increased insurance costs, people's medical information has ended up in the newspaper, and medical information has been used to damage other's reputations.

With the enactment of HIPAA- the Health Insurance Portability and Accountability Act of 1996, patients have the right to keep their medical information kept private and secure. It no longer is an ethical issue- it is the law.

So what is HIPAA?

HIPAA is a broad law that deals with quite a variety of issues. Part of the focus of the law is to make it easier to move from one health insurance carrier to another. Because of this they must have their medical information and other information moved as well.

HIPAA provided for healthcare organizations to standardize the way they communicate with one another to make it easier to share information. This is especially important to transmit information electronically.

With the ease of records transfer it is also easy to sort out patients who have expensive illnesses or potentially use that information to hurt their chances at getting jobs or insurance.

As a result HIPAA focuses on patient privacy and confidentiality. Under this law it is illegal to release health information to inappropriate parties or to fail to adequately protect health information from release.

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What information do we keep confidential?

Confidential information includes patient identity, address, age, Social Security number, and any other personal information that patients are asked to provide.

Confidential information also includes the reason a person is sick or in the hospital, the treatments, medications that he or she may receive, and other observations about his or her condition or past health conditions.

Penalties associated with violation of HIPAA

Civil penalties are fines up to \$100 for each violation of the law per person, up to a limit of \$25,000. For example, if 100 patient records were released illegally, a healthcare institution could be fined \$10,000.

Criminal penalties for wrongful disclosure can also result in jail time. The criminal penalties increase as the severity of the offense increases. Intentionally selling patient information is significantly more serious than accidental disclosure. These fines can be as high as \$250,000 or a prison sentence of 10 years.

How do we protect our patient's privacy?

We are committed to protecting patient privacy and confidentiality in the following ways:

- Patient care or discussion about patient care is kept private by closing doors or conducting them in an area where the discussion will not be overheard
- Patient medical records are not left where others can see them or gain access to them
- Computerized patient records are closed when the caregiver is away from the computer
- Written patient information is kept covered from the public
- Diagnostic tests results are kept private
- Paper records no longer needed are shredded or placed in closed receptacles for disposal. They are not left in the garbage.
- Information is not disclosed to visitors about a patient

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NAME _____

DATE _____

HIPAA Information Post-Test

1. The criminal penalties for improperly disclosing patient health information can be as high as fines of \$250,000 and prison sentences of up to 10 years.
 - a. True
 - b. False

2. Which of the following is protected health information under HIPAA?
 - a. The patient's address
 - b. The patient's allergies
 - c. The patient's name
 - d. All of the above

3. Which of the following are some common ways that we protect patient privacy?
 - a. Closing patient doors
 - b. Knocking before entering a patient room
 - c. Using curtains to shield patients during treatment
 - d. All of the above

4. Confidentiality protections cover not just patients' health-related information, such as the reason they are being treated, but also information such as address, age, Social Security number, and phone number.
 - a. True
 - b. False

5. Which of the examples below is a common work practice that protects the confidentiality of patient information:
 - a. Keeping computers logged out of the patient information system when not in use
 - b. Keeping records locked when not in use
 - c. Limiting the people who can look at electronic patient records
 - d. All of the above

6. Under what circumstances is a healthcare worker free to repeat the others private health information that is heard on the job?
 - a. After you no longer work at the hospital
 - b. After a patient dies
 - c. Only if you believe the patient won't mind
 - d. When authorized for business purposes

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7. If it is suspected that someone is violating the facility's privacy policy, the correct action would be:
 - a. Say nothing. It is no ones business.
 - b. Watch the individual involved until enough solid evidence is gathered against him or her
 - c. Report any suspicions to the privacy official or supervisor

 8. The intent of the HIPAA Privacy Rule is to ensure that doctors, hospitals, and others who provide and pay for healthcare protect patients' personal medical information.
 - a. True
 - b. False

 9. PHI (Protected Health Information) can be disclosed in which of the following forms?
 - a. Verbal
 - b. Paper
 - c. Electronic
 - d. All of the above

 10. HIPAA stands for? (*fill in the blank*)
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