

Privacy & Confidentiality: New HIPAA Regulations

HIPAA, the Health Insurance Portability and Accountability Act, was created by Congress in 1996 to help patients maintain their medical history when moving between locations and to have control over how that information is used and shared (whether it's on paper, stored in computers, or spoken).

All healthcare organizations (such as Strong Memorial Hospital, Highland Hospital, the School of Nursing, Visiting Nurse Service, physician and dentist offices, etc.) as well as organizations that bill or pay for medical care (such as insurance companies) need to follow HIPAA and train their employees in these new regulations by April 2003.

PHI, Protected Health Information, is defined as information:

- About the physical or mental health or condition of an individual
- About how that health care is delivered and
- Regarding payment for the healthcare of an individual.

As a **staff member, volunteer or student** of Strong Health, you are responsible for making sure you do not release PHI to anyone who does not need to know it as part of his or her work. You also have a responsibility to only release the **minimum necessary information** (the least reasonable amount possible) to that person or organization that needs it to do their job.

Under HIPAA, a Patient:

- Must be told (in writing) how their healthcare information (PHI) may be used
- Has a right to see their medical records
- Has a right to amend (change) incorrect/incomplete information in their records
- Must give authorization before information is released (with a few exceptions)
- Has a right to right to complain formally if they feel their privacy was not protected

Four Activities to Watch As You Work With PHI:

TALKING – Imagine what others might hear when:



- You communicate PHI in an open area. *(Keep your voice low or try to find a private place to talk.)*
- You don't ask whom you're speaking to on the phone. *(Always ask the receiver of the call to identify themselves before releasing PHI to them.)*
- You call out a person's name in a reception area. *(Use their name only, not the reason for the page; for example, do not say, "We're ready for you in X-ray room three.")*
- You leave a detailed message regarding an appointment. *(Do not give more information than necessary; give only the date and time.)*

SEEING – Think about what others see when:



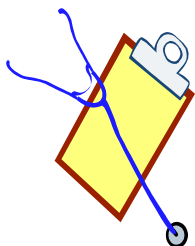
- You leave a schedule on a clipboard in the open. *(Find a way to cover the other patient names if you're using a sign-in sheet.)*
- You send a fax containing PHI. *(Call ahead to make sure the person receiving the fax is at the machine.)*
- Schedules are on public walls. *(Post schedules on inside walls where only caregivers can see patient names.)*
- Patient charts are not faced down on your desk. *(Anyone walking by might see something they do not need to know.)*
- You leave a copier unattended. *(Never walk away from a copier when duplicating PHI).*
- You are discarding confidential records. *(Be sure you follow your area's policy on how to throw away anything confidential.)*

HEARING - What should you do when you hear:



- Overhead pages with names and facts? *(Do not repeat the information, and if you can, tell the person who is paging not to use specifics whenever possible.)*
- Others not speaking softly or not in private places. *(If possible, move away).*
- Others speaking about patients in open areas. *(Give them feedback; say, "I'm not comfortable hearing confidential information.")*

MEDICAL RECORDS – If you work with printed or electronic PHI:



- Do not use PHI to find out non-work related information. *(The information is only used to do your job.)*
- Your password should be a secret. *(Do not share it with anyone.)*
- You should check the ID of a staff person you do not know. *(It is your job to make sure PHI is not seen by anyone who is not authorized.)*
- Your file rooms or cabinets should be kept locked. *(And keys kept in a safe place.)*
- Your computer screen is faced outward. *(The public should never see your screen; face it inward or log off when you leave your desk.)*

REMEMBER TO ZIP YOUR LIP FOR HIPAA!