

# Protecting Patient Privacy

***It's Everyone's Responsibility***

Clinical Personnel Learning Packet  
2010

# Instructions for Self-Study Module

- Read packet
- Complete post-test. A score of 80% must be achieved. If a score of 80% is not achieved, you will be notified by your Facilitator and given the opportunity to review the material and retake the test.
- Return the post-test to your manager, instructor or Human Resources contact.

# Protecting Patient Privacy

## **Objectives:**

- Identify requirements of the HIPAA regulations for uses and disclosures of personal health information
- Define personal health information
- Emphasize the importance of privacy
- Identify examples of how we protect privacy
- Identify information that does not require authorization for uses and disclosures
- Identify patient rights according to HIPAA regulations

# What is HIPAA?

- HIPAA stands for the Health Insurance Portability and Accountability Act 1996
- HIPAA is a federal law which:
  - Regulates and sets standards for protecting patient privacy and confidentiality of patient health information
  - Describes how we may use and disclose health information
  - Expands patient's rights regarding their health information
  - Includes penalties for privacy violations

# Why do we need training?

- We are all are responsible for protecting the privacy and confidentiality of patient information. In order to fulfill your responsibility, you need to understand the requirements of HIPAA.
- Regulations require the entire workforce receive training
- Aultman is committed to complying with these regulations regarding patient privacy

# Why is patient privacy important to us?

- Patients are concerned
  - Patients are aware we share their health information in the course of treatment
  - Patients may have seen or heard news reports of health information being inappropriately used or disclosed
- Patients and the community expect us to protect their health information
- There is growing concern about identity theft
- If we don't protect their health information...
  - Quality of care can be compromised
  - Loss of community reputation
- We have an ethical and moral obligation to protect patient health information

# What information is considered private?

- **Protected Health Information (PHI):** any information generated in the course of treating a patient that may allow identification of an individual
- Relates to past, present, or future physical or mental conditions
- Examples: name, address, birth date, admission date, social security number, diagnosis, test results.....

# How do we protect patient information?

- HIPAA regulations provide standards to protect health information
- **Minimum Necessary Standard**: “**Need to Know**” standard
  - Only access information needed to do your job
    - Example: Nursing personnel may only look up information about their patients. Nurses should not be look up family or friends test results
  - Only disclose information that someone else needs to do their job
    - Example: when making a referral, only disclose information requested for the referral, nothing extra

# Safeguarding patient information

- If using a computer- use your individual password - no sharing or posting passwords
  - Everyone is responsible for all activity that takes place under your user ID and password
- Discuss patient information privately
  - Pull curtains between patients
  - Speak in a low tone
- Secure charts and forms
  - Unauthorized personnel should not be viewing medical records
- Use shredding containers
  - Place all paper containing PHI in shred containers
  - Contact IS Dept. to discard electronic PHI (CDs, thumb drives, etc.)
  - Place IV bags, etc. in red biohazard bags

# Safeguarding patient information

- Shield computers
  - If in a high traffic area, turn screen away from the traffic flow
- Follow Aultman's policies and procedures regarding privacy
- Do not remove patient information from the facilities
  - For example, report sheets or any portion of the medical record

# Safeguarding Patient Privacy



- Social Communications
  - Do not discuss patient information
- Remember, once posted, your comments are in the public domain

# Important HIPAA Topics

- How we use and disclose health information
- Patient Directory options
- Friends and Family Standard
- Employee confidentiality
- Patient Rights
- Privacy Compliance
- Notice of Privacy Practices

# How we use or disclose medical information

- No patient authorization required for:
  - Treatment (including referrals)
  - Payment
  - Health care operations (e.g., quality improvement, case management)
- No patient authorization required for legally mandated reporting
  - Examples: dog bites in ER, births reported to the state
- Most other uses and disclosures require a signed patient authorization
  - Examples: birth announcements published in the newspaper, using a patient's photo on a bulletin board

# Patient Directory

- Listing of admitted, ER, Same Day Surgery patients only
- One-word condition (guarded or satisfactory) and location (room number) available to callers who request information by patient name
- Patient may choose to be included in the Directory or opt-out and be excluded
- If patient “opts-out” of directory, no delivered flowers or mail, no information is disclosed to general public
  - Aultman’s term is Do Not Publish (DNP)
    - Patient signs a consent form

# Patient Directory

- Outpatient facilities are not included in the Patient Directory
- No information should be disclosed without patient approval
- The patient's presence at a facility should not be disclosed without patient approval

# Family and Friends

- Obtain approval from patient before sharing PHI
  - Oral or written approval is acceptable and should be documented in medical record
  - May use Privacy Communication Sheet to document
  - Patient may change his/her mind at any time
- Use professional judgment when patient is unconscious or incapacitated
  - Utilize Minimum Necessary Standard
  - Family & friends should be actively involved in care in order to receive PHI.
- When in doubt, do not disclose information
  - Ask patient
  - Ask manager

# Maintaining Confidentiality Among Employees

- Unless medically necessary, sharing patient information about a patient with another employee is not permitted
  - “Interesting patient stories” are not to be discussed
  - No gossiping about patients and their families

# Maintaining Confidentiality Among Employees

- Co-workers receiving health care as patients have the right to have their information kept confidential
  - Do not look up information available on computer systems that is not part of your job function
  - Do not call hospital units and inquire about their condition
  - Employees should not look up their own test results or test results of family/friends

# Breaches

- A breach is inappropriate access, acquisition or disclosure of unsecured PHI which compromises the security or privacy of the PHI.
  - Test results sent to wrong patient
  - Lost or stolen lap top
  - “Snooping”
- Under certain circumstances, when a breach occurs Aultman must notify:
  - Patients;
  - Department of Health and Human Services;
  - Prominent media outlet

# Patient Rights: Access & Amendments

- Patients have the right to request a paper or electronic copy of their health information we maintain
  - Medical Records Department will process Access requests
- Patients have the right to request that their health information be amended (changed)
  - Medical Records will process these requests
  - If request approved, original information will be amended not deleted
  - Amendments will be determined by the originator of the information i.e. physician

# Patient Rights: Accounting

- Patients have the right to request an accounting of many of the disclosures we make of their PHI
  - An accounting is a list of everyone to whom we have disclosed the patient's information
  - Accounting will show disclosures made after April 14, 2003
  - Includes disclosures made for payment, treatment, health care operations

# Additional Patient Rights

- Patients have the right to file a complaint
  - With Patient Relations
  - With the Department of Health and Human Services in Washington D.C.
  - No retaliation permitted
- Patients have the right to request to receive communications from us by alternative means or at alternative locations. Examples include:
  - “Send the bill to this address”
  - “Call this cellular number instead of my home”
  - Aultman will attempt to honor the request but is not required to accept the requested restriction if unreasonable

# Additional Patient Rights

- Patients have the right to request certain restrictions on their PHI
  - Examples: patient may request their insurance not be billed for a procedure and pay with cash instead
  - Aultman is required to honor restrictions to health plans if the patient has paid for the service in full

# Right to Notice of Privacy Practices (NPP)

- NPP informs patients how Aultman uses and discloses their PHI.
- Patients must be offered written Notice of Privacy Practices with first contact with Aultman
- Attempt to obtain patient signature on Acknowledgement of Receipt Form
  - If patient refuses, write their name and ID, reason for refusal and forward to Centralized Scheduling
  - Acknowledgement forms will be tracked so we only give Notice once

# Privacy Officer

- HIPAA rules state we must designate someone to be responsible for assuring compliance with the regulations
- Our Privacy Officer: Tim Regula
- Extension 37448
- Via e-mail at [privacyoffice.com](mailto:privacyoffice.com)
- Compliance Line 1-866-907-6901

# Privacy Compliance

- Notify Privacy Officer or your manager if you become aware of any misuses of PHI
  - No retaliation for reporting privacy concerns
- Inappropriate misuse of PHI may result in formal disciplinary action as outlined in the employee handbook
- Regulations contain both criminal and civil penalties for Aultman and the individual violating the patient's privacy
- Victims of privacy violations may receive a share of the penalties that are collected

# Summary

- HIPAA is a federal law which:
  - Sets standards we must comply with to protect patient information
  - Gives patients new rights
  - Includes penalties for violating patient privacy regulations
- Aultman is committed to protecting patient's privacy by complying with the regulations
- Quality patient care includes protecting patient information
- Protecting patient information is everyone's responsibility

# Post Test

1. Why is patient privacy important?\_\_\_\_\_

\_\_\_\_\_

2. Information generated in the course of treating a patient that identifies that patient as an individual is called?

\_\_\_\_\_

3. What does the Minimum Necessary Standard describe?

\_\_\_\_\_

4. Name four methods of safeguarding patient information

\_\_\_\_\_

\_\_\_\_\_

# Post Test

5. Friends and family need to be actively involved in the patient's care in order to be considered under the Friends and Family Standard
  - a. True
  - b. False
  
6. It is okay to share patient information among employees if it is for treatment, payment or health care operations
  - a. True
  - b. False
  
7. It is **not** okay to look up your own lab and test results
  - a. True
  - b. False

# Post Test

8. Name Aultman's Privacy Officer\_\_\_\_\_.

9. Patients must be offered a written Notice of Privacy Practices

- a. True            b. False

10. Protecting patient privacy and confidentiality of their health information is \_\_\_\_\_ responsibility.