

# Introduction to HIPAA

OCT 16, 2014

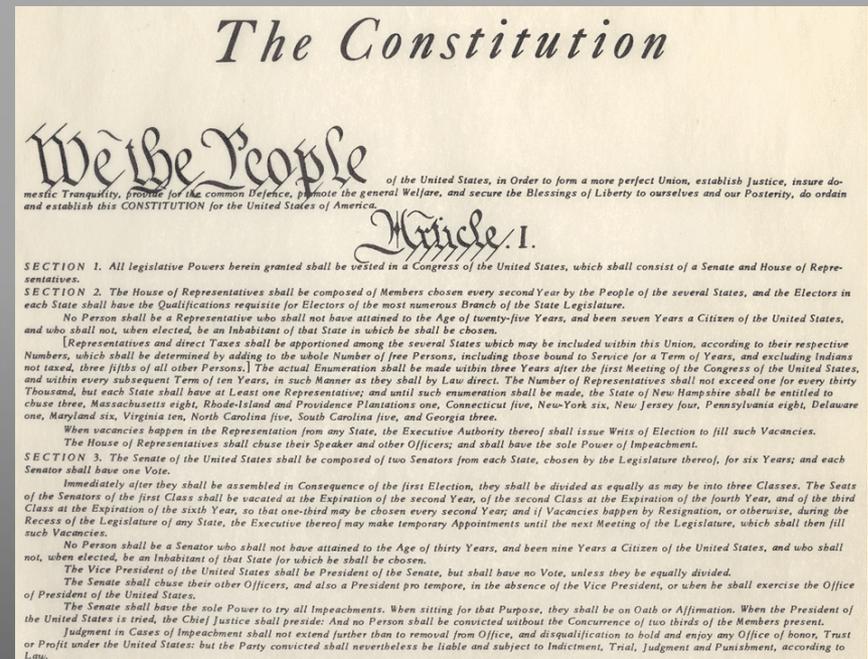


# What is HIPAA?

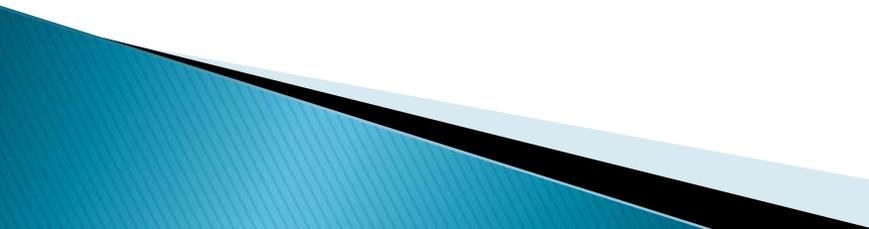
- ▶ **Health Insurance Portability and Accountability Act of 1996**
- ▶ **Originally for health care reform**
  - ▶ **Portable Health Insurance**
- ▶ **Now, it is about the CONFIDENTIALITY of Personal Health Information in all forms.**
  - **Electronic**
  - **Paper**

# Why HIPAA?

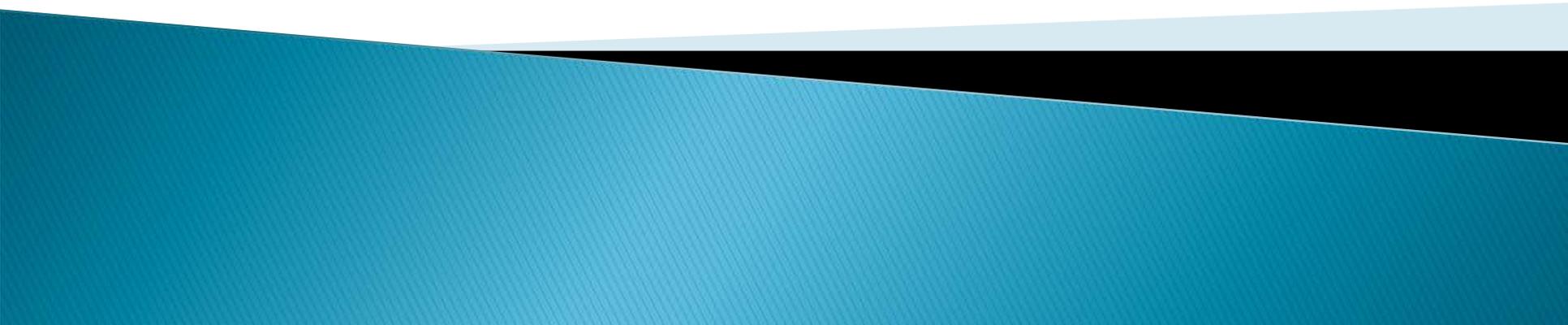
- ▶ What amendment in the Bill of Rights or article in the US Constitution Guarantees a Privacy Right?



# ANS: It doesn't

- ▶ **Some rights can be derived from ideas in the Constitution**
  - ▶ **No Right to Privacy is actually spelled out**
    - ▶ **Therefore, Privacy in the US is handled through regulation and other laws such as the Health Insurance Portability and Accountability Act in order to ensure that industries set standards for protecting privacy and confidentiality.**
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**What do we need to protect?  
What should be kept  
Private?**



# Protected Health Information or PHI

- ▶ **Any information collected from patients while delivering care, that could lead to the identity of an individual**

# Scenario 1

- ▶ Mrs Lau collects information for student registration. The information contains TB clearances, students' physical examination reports, and other health information clearing students to attend school. The information is all on a flash drive. She loses the flash drive...
- ▶ Has she violated HIPAA by losing the flash drive?

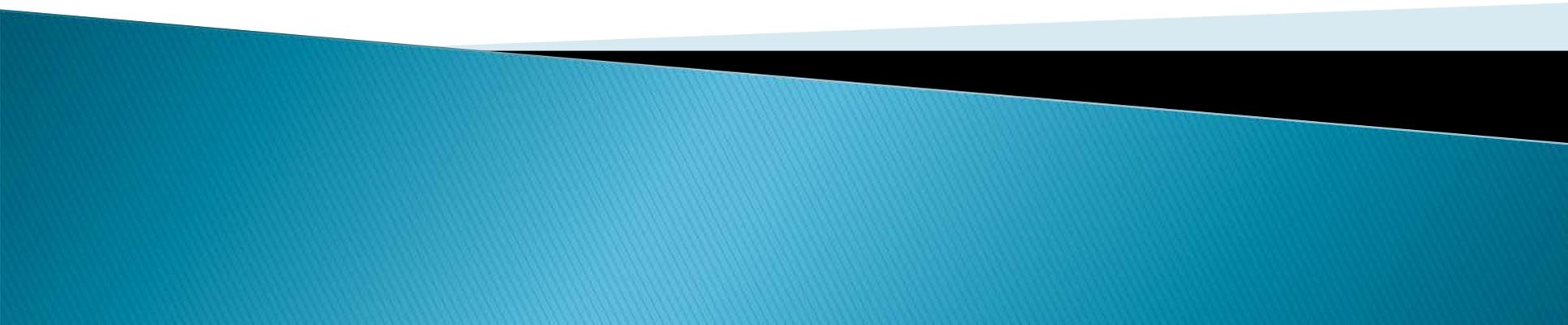
# Scenario 2

- ▶ I work at Farrington Medical Center... I have been sick for the past 2 weeks. I have a sick note that I turn in to my boss, Alysha, the head nurse of our department. Alysha leaves the sick note from my doctor on the front desk where everyone else in my department can read it.
- ▶ Has my boss, Alysha, violated my HIPAA rights?

# Scenario 3

- ▶ My friend works as a security guard at Farrington Medical Center. He sees me coming out of the OB/GYN clinic. He gets on his Facebook account to post:
  - ▶ “ I just saw Brandon coming out of the OB/GYN Clinic with his girlfriend, I think she’s pregnant”
  - ▶ Has he violated my HIPAA rights with that post?

**What guidelines govern  
our status as “need to  
know” individuals?**



# Three Letters

- ▶ **T: Treatment**
- ▶ **P: Payment**
  - Helping the patient pay for healthcare or billing patient for health services provided
- ▶ **Operations**
  - Normal Healthcare Operations: You need the information to do your job.

**Remember: Without a “need to know” you will need a patient’s authorization prior to releasing his/her Protected Health Information (PHI)**

**Don’t know or Not sure?**

**DON’T DO IT!!**

# Scenario 1

- ▶ Your friend, Reyna–Ann, is going out with a new boyfriend. She tells you his name is Clayton and she is pretty happy with him. The next day while you are at work in the Pathology department at Farrington Medical Center, you see that Clayton had a test for STDs done at the medical center and the test came out positive for Chlamydia. Do you tell Reyna–Ann about it?

# Scenario 2

- ▶ Dr Aguinaldo who is a cardiologist, contacts Dr Cachola who is a nephrology specialist at Farrington Medical Center. She needs some advice because her (Dr Aguinaldo's) patient is facing multi system organ failure. She does not have the patient's authorization to give this information.
- ▶ Has she violated the patient's HIPAA rights?

# Exceptions to the rule

- ▶ Organ Donation
  - ▶ Medical examiners/coroners
    - ▶ Law enforcement
    - ▶ Official investigations
    - ▶ Public Health Activities
  - ▶ Suspected cases of abuse or neglect
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# Legal authority to access information

- ▶ Power of Attorney and Advanced Directives can give access to patient information ONLY IF the patient is incapacitated
  - Only a court of law or 2 doctors can determine competence

# PATIENT RIGHTS

Under HIPAA, patients are ensured rights concerning their health information.

# Rights provided to patients by HIPAA

- ▶ Request a copy of your medical record
  - ▶ Right to request restrictions
  - ▶ Request amendments
  - ▶ Right to an accounting of Disclosures
  - ▶ Right to file a complaint
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You cannot have  
Confidentiality without  
Privacy AND Security

# HIPAA Security Requirements

- ▶ Protection (physical and technical) of information in transmission as well as in storage
- ▶ Encryption of all data in storage and while being e-mailed
  - ▶ Reasonable precautions to protect PHI
- ▶ Safeguarding data from new tech devices that can record and transmit information
  - ▶ Appropriate disposal of all material containing PHI

# Scenario 1

- ▶ Dr Grospe was intending to send an e-mail to Dr Viscarra about a patient. The e-mail included information on the patient's condition, treatment, and medications. She was supposed to send it to [drviscarra@yahoo.com](mailto:drviscarra@yahoo.com) and accidentally sent it to [drviscarra@hotmail.com](mailto:drviscarra@hotmail.com).
  - ▶ Was this a HIPAA violation? Why?

# Penalties for HIPAA Violations

- ▶ Civil monetary fines for the facility up to 1.5 million dollars with no annual limits
  - ▶ Audits by the Department of Health and Human Services (DHHS) and the Office of Civil Rights (OCR)
  - ▶ States attorney general prosecutions
  - ▶ Civil lawsuits against the individual
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# Why HIPAA?

- ▶ It's the right thing to do!
  - ▶ Respect for the patient.
  - ▶ Do No Harm.
  - ▶ Empathy: What if it was your record or ID that was stolen?
  - ▶ It's the law.
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