



**BEHAVIORAL
CARE SOLUTIONS, LLC**

HIPPA

Health Insurance Portability and
Accountability Act

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Instructions

- ▶ Read and review the content in this learning module. It will take 20 to 30 minutes to complete.
- ▶ Complete all the questions in the HIPPA Quiz.
- ▶ Results from the HIPPA Quiz will be kept in your file.

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Objectives

After Completing this module, you will be able to:

- ▶ Identify the importance of HIPAA
- ▶ Determine when to notify patients about HIPAA
- ▶ List of examples of *Protected Health Information* (PHI)
- ▶ Identify how PHI is used for the purposes of treatment, payment and operations
- ▶ Review the *Minimum Necessary Rule*
- ▶ Identify measures to eliminate incidental disclosure of information
- ▶ State the rules concerning communication by fax, phone, and email
- ▶ List the individual rights patients have with respect to PHI
- ▶ Recognize the penalties for violating patient confidentiality

What is HIPPA?

Health Insurance Portability and Accountability ACT (HIPPA):

- ▶ Is a federal law that provides for improved **employee** health plan access
- ▶ Paves the way for simplification of health care billing processes
- ▶ Creates new national requirements for protecting and safeguarding patient medical and other related records.

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Key Points

- ▶ On April 14, 2003 HIPAA privacy regulations took effect.
- ▶ HIPAA is a continuation of what you already do in your job, keeping patient information confidential!

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Why Should I Be Concerned?

- ▶ HIPAA created new requirements for us that affect patient privacy
- ▶ Privacy has always been important at BCS
- ▶ On April 14, 2003, the federal government activated new regulations that impact our handling of patient information.

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The Law

HIPAA Privacy Rules and the State of Michigan Confidentiality Law combine to state that:

- ▶ Patients must be given a notice of privacy practices by the facility
- ▶ Patient information must be handled in a confidential manner
- ▶ Patient consent is required for the use and disclosure of patient information outside of treatment
- ▶ Patients must have access and control over their health information
- ▶ Health providers and insurers are required to establish and implement safeguards to maintain privacy of health information.
- ▶ Health providers, insurers, and their staff are accountable for maintaining privacy

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Demographic Information

Any information that can be used to identify and individual will be considered PHI under HIPAA. This includes demographic and clinical information.

State law says anything learned in the course of providing treatment is confidential. Examples include:

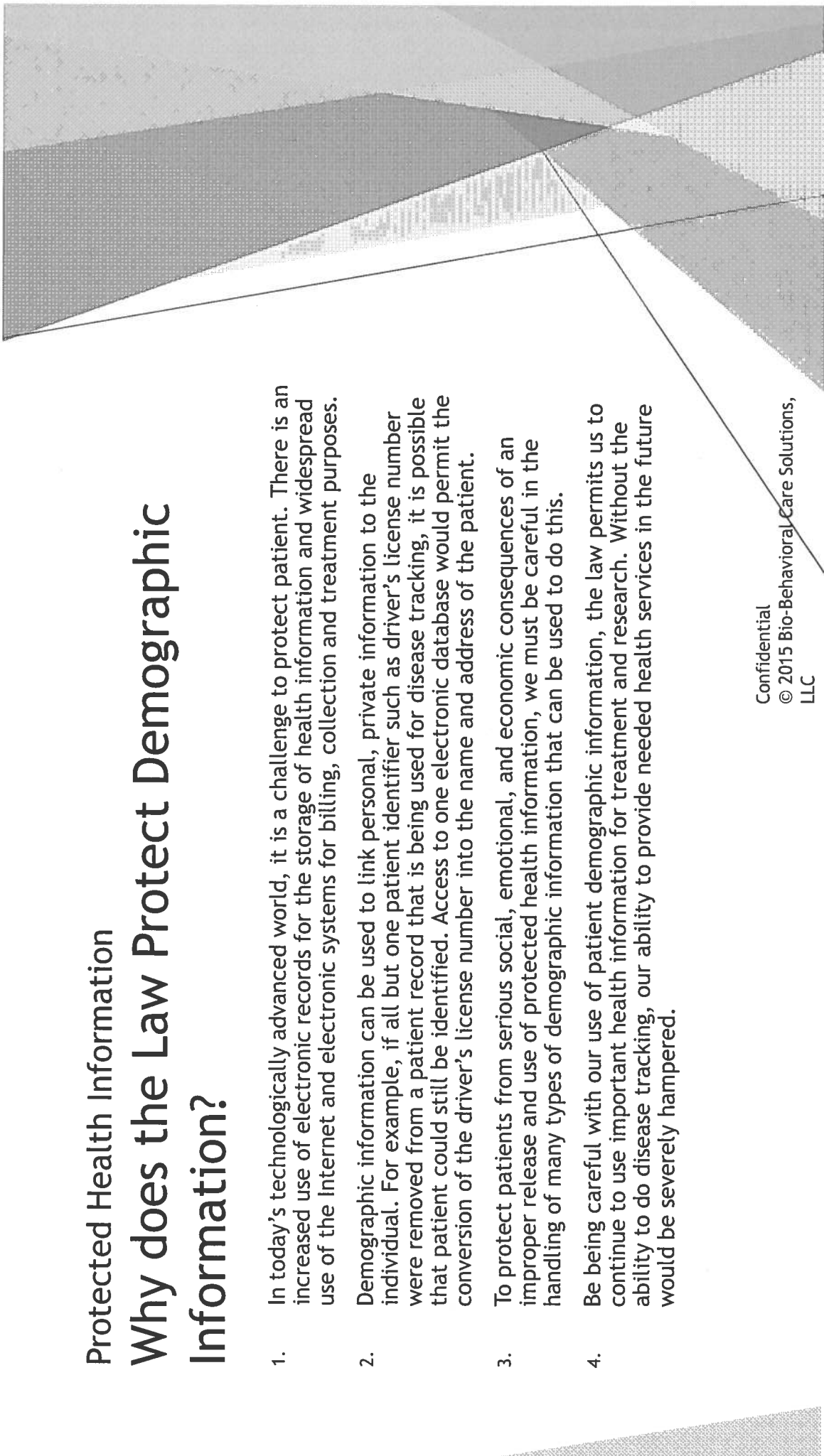
- ▶ Name
- ▶ Addresses
- ▶ Social Security number
- ▶ Email addresses
- ▶ Birthdate
- ▶ Telephone Number
- ▶ Fax Number
- ▶ Driver's license number
- ▶ License plate number
- ▶ Vehicle ID number

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Key Points

- ▶ HIPAA protects demographic information known as PHI.
- ▶ PHI is any information that can be used to identify an individual such as name, address, and so forth.

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Why does the Law Protect Demographic Information?

1. In today's technologically advanced world, it is a challenge to protect patient. There is an increased use of electronic records for the storage of health information and widespread use of the Internet and electronic systems for billing, collection and treatment purposes.
2. Demographic information can be used to link personal, private information to the individual. For example, if all but one patient identifier such as driver's license number were removed from a patient record that is being used for disease tracking, it is possible that patient could still be identified. Access to one electronic database would permit the conversion of the driver's license number into the name and address of the patient.
3. To protect patients from serious social, emotional, and economic consequences of an improper release and use of protected health information, we must be careful in the handling of many types of demographic information that can be used to do this.
4. Be being careful with our use of patient demographic information, the law permits us to continue to use important health information for treatment and research. Without the ability to do disease tracking, our ability to provide needed health services in the future would be severely hampered.

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Treatment, Payment, and Operations

HIPPA allows PHI to be used for treatment, payment, and healthcare operation purposes.

- ▶ Provide, coordinate or manage health care and related services for a patient and seek payment for those services.

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Treatment

What you CAN do under HIPAA:

- ▶ Provide, coordinate or manage health care and related services for a patient
- ▶ Physician-to-physician consultation, NP and PA communication, care coordination between nurses and other members of the team taking care of the patient. Examples:
 - ▶ Physicians can talk to other physicians and NP/PA.
 - ▶ Psychologist can talk to social workers
 - ▶ Physicians can talk to social workers
- ▶ Communication with a non-BCS provider to arrange for services (includes referrals and transfer of care, obtain treatment information and collaborate with other providers on care)

Key Points

- ▶ You can still seek help from nurses or doctors when treating patients. This has NOT changed under HIPAA.

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Payment

HIPAA defines payment activities to include:

- ▶ Obtaining authorization for care
- ▶ Determining insurance coverage or eligibility
- ▶ Billing and collecting for services rendered
- ▶ When patient's consent to treatment, they are also consenting that we can communicate information in order to obtain payment for the services we provide. The process remains unchanged by HIPAA. Our current practice satisfies both State law and HIPPA requirements.

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Key Points

- ▶ Our current practice satisfies both State law and HIPPA requirements for payment and operations.

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Operations

Operations include a variety of activities to properly operate a health care facility.

- ▶ HIPAA allows us to use PHI to carry out daily healthcare operational activities, such as:
 - ▶ Quality assessment and improvement
 - ▶ Studies that provide information about how we provide health care and ways to reduce cost
 - ▶ Developing protocols or clinical pathways
 - ▶ Conducting staff competency reviews through medical record or other review
 - ▶ Reviewing records for legal or auditing purposes
 - ▶ Business planning

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Minimum Necessary Rule

- ▶ HIPAA contains a provision called the **Minimum Necessary Rule**. It governs how much PHI may be used or disclosed to carry out, payment and operations activities.
- ▶ Only the amount of information needed for the specific purpose may be used or disclosed.
- ▶ The amount of information that may be used or disclosed depends upon the access has to PHI or may be defined by your job.

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Minimum Necessary Rule—Examples

- ▶ A person in patient accounting is able to access PHI, as needed for billing purposes.
- ▶ A person in materials management will typically not access any PHI.

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Minimum Necessary Rule- Payment and Operation

Access to information is limited to:

- ▶ What is reasonably needed to accomplish the intended purpose
- ▶ Only the minimum amount that is necessary to do the job can be accessed
- ▶ A legitimate purpose covered under the definition of payment or operations.

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Minimum Necessary Rule- Payment and Operation

- ▶ For example, patient accounting personnel need a patient's demographic information, insurance information, and certain information about the patient's diagnosis and any procedures performed. They generally do not, however, need access to daily details of a patient's care, such as lab results and medication administration records. Access to this additional information would only be necessary, and therefore permitted, to respond to appropriate inquiries from health insurance companies and other payers. A person in housekeeping will typically not access PHI.
- ▶ If there are any questions about whether you have a right or need to know certain information, it is always appropriate to ask your supervisor for guidance.

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Key Points

- ▶ The Minimum Necessary Rule applies when using information for payment and operations.
- ▶ Your access to information depends on the use of that information.

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Minimum Necessary Rule- Payment and Operation

- ▶ The Minimum Necessary Rule Does Not apply to treatment. Physicians, nurses and other health care providers need to have complete access to information about a patient's medical history and condition to make sound and prudent decisions about the patient's course of care.

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Unauthorized Disclosure of Information

HIPPA and State law require that patient confidentiality be protected and safeguarded.

- ▶ Employees, volunteers, and visitors may overhear or see information that is PHI. These disclosures are called ***incidental***.
- ▶ HIPPA does not require facilities to make physical changes to its buildings and patient care areas. However, reasonable measures to reduce the ability to overhear conversations should be made. We all need to be aware of our surroundings.

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Unauthorized Disclosure of Information

- ▶ **DO** properly dispose of confidential written materials that might identify a patient when that information is not needed for the complete medical record.
- ▶ **Do NOT** leave computer screens with confidential information viewable to others.
- ▶ **Do NOT** try to read other's computer screens with confidential material.
- ▶ **DO NOT** try to read anything that is in a medical record even if that information is about a family member, close friend or neighbor.
- ▶ Lower your voice, whenever possible.
- ▶ Move away from others during a conversation.
- ▶ Be aware of your surroundings.
Act in a manner that helps others see you as a professional and one guards confidential information.

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Unauthorized Incidental Disclosure Things to Remember

Incidental Disclosures

Non-patient Care Areas

Things to Remember

- ▶ Avoid patient discussions between you and your co-workers and when in:
 - ▶ Lobbies
 - ▶ Elevators
 - ▶ Cafeterias
 - ▶ Smoking Areas
- ▶ More generally also avoid discussions outside the facility, in locations such as:
 - ▶ Grocery check-out line
 - ▶ Restaurants
- ▶ Do not discuss patient health information with the media, refer to your supervisor.

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Unauthorized Incidental Disclosure Things to Remember

Incidental Disclosures

► Fax

- Use the correct fax number
- Enter the number correctly on the fax machine
- Use a BCS cover sheet that clearly notes that information contained is confidential.
- Ensure that the receiving fax machine is in a secure, non-public location
- Call to verify fax information is received.

► Conversations

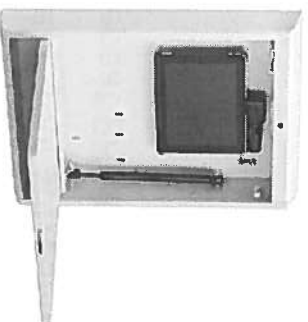
- Ask for verbal consent from the patient or personal representative for others to listen while discussing the patient's care
- Current rules regarding consent to treat and discussion with minors are not changed by HIPPA.

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Protected Health Information Unauthorized Disclosure of Information Things to Remember

Incidental Disclosures

Wallarooms

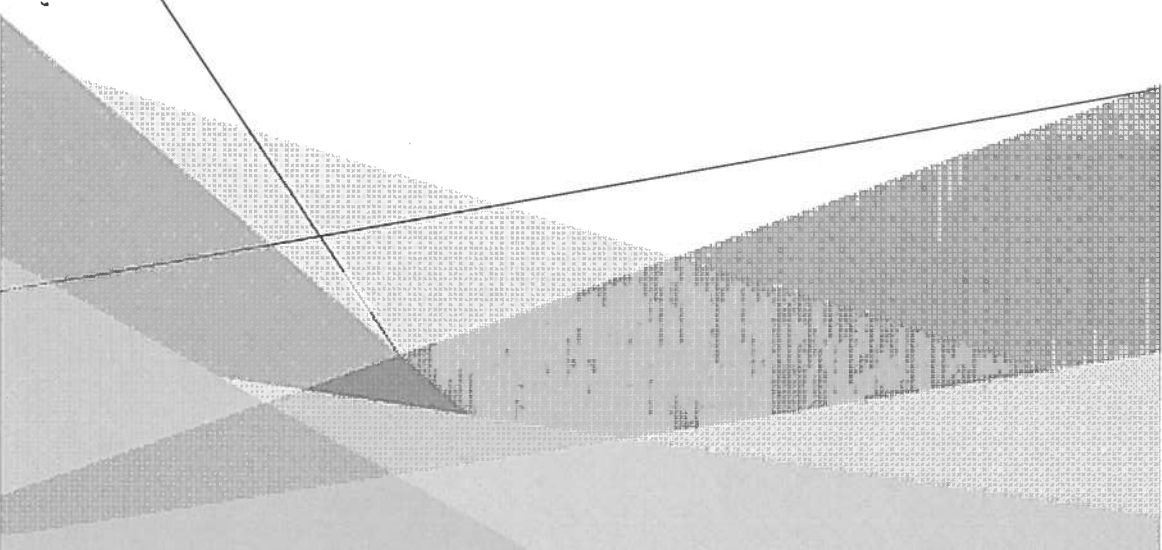


Things to Remember

- ▶ Reduce the risk of improper disclosures by replacing records promptly after use and closing wallarooms
- ▶ Close wallarooms when not in use
- ▶ Protected PHI by watching for any unauthorized access wallarooms

Key Points

- ▶ Be aware of your surroundings
- ▶ Do not repeat PHI that you see or overhear



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Unauthorized Incidental Disclosure Things to Remember

Incidental Disclosures

► Phone

► Email

Things to Remember

- Verify who you are speaking to before disclosing PHI
- Minimize the information given in a voice mail message
- Do not leave diagnosis or leave treatment information unless patient has directed otherwise
- Enter the correct email address
- Include warnings about confidentiality
- Limit the amount and type of information you send

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Key Points

- ▶ Do not include health complaints on sign-in sheets
- ▶ Close Wallaroo's when not in use
- ▶ Avoid discussion about patients in public areas in and out of the hospital.

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Patients Who Are Employees

As a health provider, we care for patients who may also be our employees. Some important things to remember in this situation are:

- ▶ You must protect the privacy of all patients including employees.
- ▶ **Do Not** use BCS access to read your own medical records.
- ▶ Talk to your doctor to make a request to view your medical records.
- ▶ You may request medical records information through Health Information Management (HIM).

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Key Points

- ▶ All Patients privacy must be protected including that of employees.
- ▶ Patients who are employees must access must access their records using the same procedures as any other patient.

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Patient Authorization

A patient Authorization is a special kind of consent defined by HIPAA. It allows us to disclose PHI with a patient's permission for reasons other than treatment, payment, or operations.

For example, a *Patient Authorization* allows us to give PHI to:

- ▶ A patient's advisor, like a lawyer
- ▶ Life and disability insurance companies

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Key Points

- ▶ All patients privacy must be protected including that of employees.
- ▶ Patients who are employees must access their records using the same procedures as any other patient.

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When is Patient Authorization Not Required?

Patient Authorization is **NOT** required for every disclosure. For example:

- ▶ Treatment providers do not need to obtain authorization to access and use PHI to treat a patient
- ▶ When the information is necessary for payment or healthcare operations
- ▶ When used to fulfill certain legal and regulatory obligations. Examples include reporting:
 - ▶ To inform others of communicable diseases
 - ▶ Injuries caused by violence
 - ▶ Child or adult abuse and neglect
 - ▶ Vital statistics, such as births and deaths

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Key Points

- ▶ A Patient Authorization allows us to give PHI to others as specified.
- ▶ A patient's authorization is not required to fulfill certain legal and regulatory obligations.

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Penalties For Violation

Improper or unauthorized use and disclosure and disclosure of PHI may result in:

- ▶ Individual or facility licensing citation and sanction
- ▶ Loss of professional or facility license to provide health care services
- ▶ Civil lawsuit by the patient whose confidentiality was breached for injury or damages associated with an improper disclosure
- ▶ \$250,000 fine and ten years in prison for privacy violations made for personal gain
- ▶ Loss of participation in Medicare. You as an employee would not be able to work for Medicare participant providers.

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I heard another employee disclosing PHI, now what?

- ▶ Remind the employee to not inappropriately disclose PHI.
- ▶ In cases of repeated offenses, contact a BCS office manager or regional supervisor.

Key Points

- ▶ Both BCS and the offending employee(s) can be liable for breaches of confidentiality.
- ▶ Contact a BCS office manager regarding HIPAA violations.

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Key Points Summary

HIPPA Key Points

- ▶ On April 14, 2003 HIPAA privacy regulations took effect.
- ▶ HIPAA is a continuation of what you already do in your job, keeping patient information confidential.
- ▶ HIPAA protects demographic information known as PHI.
- ▶ PHI is any information that can be used to identify an individual, such as name, address and so forth.

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Key Points Summary

HIPAA Key Points

- ▶ You can still seek help from other clinicians when treating patients. This has NOT changed under HIPAA.
- ▶ Our current practice satisfies both State and Federal HIPAA requirements for payment and operations.
- ▶ The Minimum Necessary Rule applies when using information for payment and operations.
- ▶ Your access to information depends on the use of that information.
- ▶ Be aware of your surroundings.
- ▶ Do not repeat PHI that you see or overhear.
- ▶ Avoid discussion about patients in public areas in and out of the hospital.
- ▶ Close Wallaroo's when not in use or utilized.

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Key Points Summary

HIPAA Key Points

- ▶ Be careful! Fax information with BCS cover sheet and double check the fax number prior to sending.
- ▶ All patients privacy must be protected including that of employees.
- ▶ Patients who are employees must access their records using the same procedures as any other patient.
- ▶ A *Patient Authorization* allows us to give PHI to others.
- ▶ A patient's authorization is not required to fulfill certain legal and regulatory obligations.
- ▶ The facility can be liable for breaches of confidentiality as well as the employee.

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Conclusion

Protecting and safeguarding each patient's protected health information is important. By faithfully following good privacy practices we can:

- ▶ Maintain the confidence of our patients and community
- ▶ Avoid risk of fines, penalties, criminal sanctions and loss of our good standing with government health benefit programs.

Thank you for completing the learning module!

Upon completing this learning module, the module post test will need to be completed. The post-test is related to the Objectives on Slide 3.

If you would like to review any sections, take notes, or print any of the information, please do so now. You will not be able to review the module again until the posttest has been completed.

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