



Louisiana Department of Health and Hospitals Basic HIPAA Privacy Training: Policies and Procedures

01/09/2009

OBJECTIVES

- **At the end of this session, the participants will be able to:**
 - **Define and explain the HIPAA**
 - **Identify which information is governed by the HIPAA rule**
 - **Define Protected Health Information (PHI)**
 - **Explain verification requirements**
 - **Explain rules governing obtaining permission to disclose PHI**
 - **Discuss the employee's role if they are aware of a HIPAA violation**

What Is HIPAA?

- **HIPAA (pronounced hippa) is a federal law.**
- **It's a set of rules and regulations that affect the health care industry.**
- **They focus on the privacy and security of health care information.**
- **Health care providers must comply, as HIPAA covers:**
 - **Health Plans**
 - **Health Care Providers**



What Does The Privacy Rule Say?

- Sets rules for how private information can be used.
- Keeps clients/participants more informed.
- Limits access by others.
- Requires client/participant permission.
- Allows access by clients/participants.
- Requires that rules be followed.
- Increases safeguards.
- Enforces penalties.



Individually Identifiable Health Information

- **Information about health care or payment for health care, such as:**
 - **Why a person is visiting the clinic or center;**
 - **The type of treatment a person is receiving; or**
 - **The fact that a person is receiving Medicaid.**

 - **That:**
 - **Identifies the person; or**
 - **Could possibly identify the person.**

- **Examples of of such information include a client/participant's name, address, social security number, medical record number, or photograph.**

Protected Health Information (PHI)

- **PHI is all individually identifiable health information in any form:**

- **Paper**
- **Verbal**
- **Electronic**

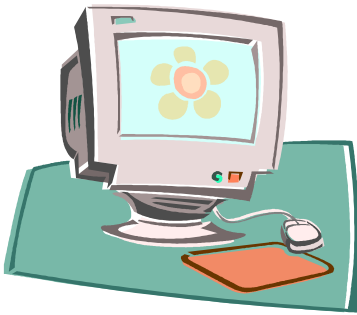


- **Exceptions:**

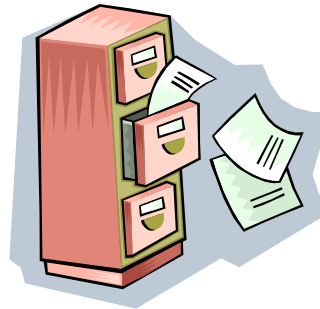
- **Employment records (including employees' medical information).**
- **Certain education records.**

PHI

- Protected Health Information can be stored in/on:



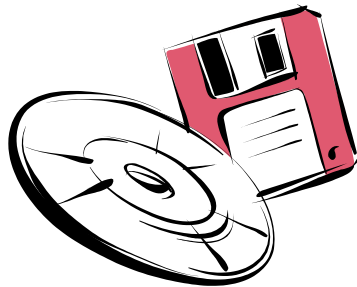
Computers



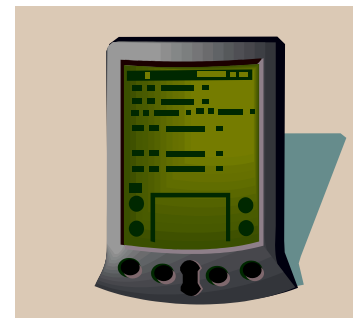
File Cabinets



Desks/Offices



Disks/CDs



Palm Pilots

Minimum Necessary Requirements

- You are only allowed access to the minimum amount of PHI necessary for you to perform your job duties.



- You must only disclose the minimum amount of PHI necessary to satisfy a request.
- You must only request the minimum amount of PHI you need at the time.

Minimum Necessary – Not Applicable

- **The minimum necessary rule does not apply to:**
 - **Disclosures to, or requests by, a health care provider for treatment;**
 - **Uses or disclosures made to the client/participant;**
 - **Uses or disclosures that the client authorized;**
 - **Disclosure made to the Secretary of HHS; and**
 - **Disclosures required by law.**

Verification Requirements

- **Prior to disclosing PHI, you must:**
 - **Verify the identity of the person requesting PHI and the authority of that person to have access to PHI; and**
 - **When required, get some kind of proof from the person making the request.**



Permission To Use or Disclose PHI?

- **Client/participant authorization is not needed before you disclose his or her PHI for treatment, payment, and/or health care operations (TPO) .**
- **For Abuse Reports and Investigations.**
- **Generally, however, you do need specific, written authorization from the client/participant before you can use or disclose his or her PHI for other reasons (unless specifically permitted by the Privacy Rule).**

TPO

■ Treatment



■ Payment



■ Health Care Operations (Examples):

- Quality Assessment and Improvement;
- Medical Review and Auditing;
- Planning and Budget



THINGS TO THINK ABOUT

- **Situations that often lead to violations of confidentiality**
 - **Discussing work with family and friends**
 - **Informal discussions with colleagues**
 - Hallway, elevator, lunch break, grocery store
 - **Social gathering**
 - Office parties, etc
 - **Incoming phone calls**
 - **Attentive repairman**

Administrative Requirements

- **Failure to comply with HIPAA is a violation of federal law.**
- **You could even be fined and jailed if you break the law.**

If You See A Problem...

- If you see or hear about someone who is in violation of HIPAA requirements and procedures, you should tell your supervisor.



- All reports should be investigated.



Prohibition on Retaliatory Acts

- **An employer is bound by law to protect a workforce member from harassment or retaliatory actions if he or she reports a suspected privacy violation.**

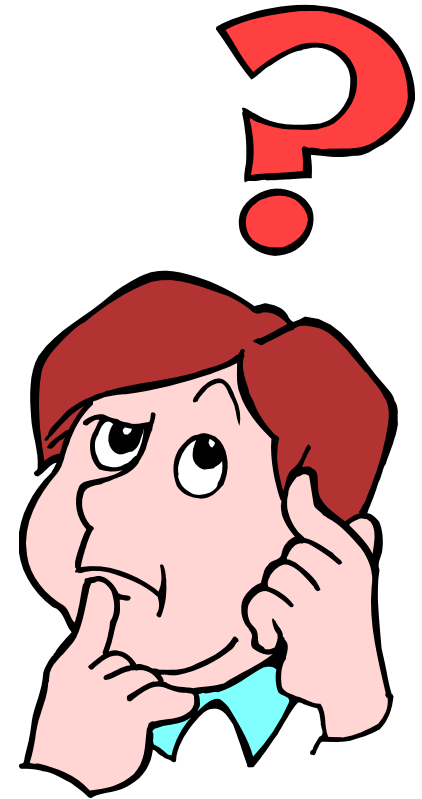
Crime Victims

- You are allowed to disclose PHI to law enforcement without the client/participant's authorization when:
 - The PHI disclosed is about the person suspected of a criminal act; and
 - The PHI disclosed is limited to information relevant to identifying the suspect and the nature of any injury.



Remember...

- If you are unsure about how to proceed in a certain situation involving PHI, ask your supervisor.



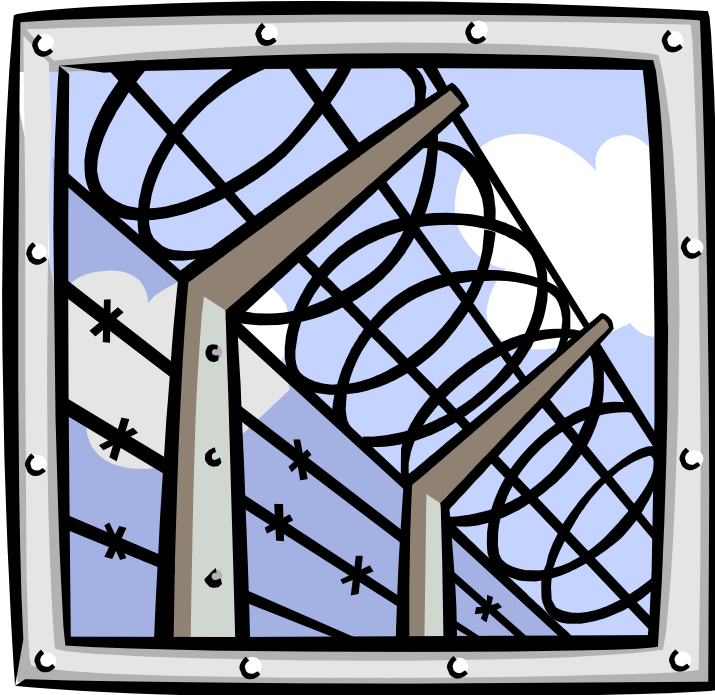
Remember...

- Do not discuss any PHI you see or hear while performing your job with anyone unless necessary!



Remember...

- There are significant penalties for misuse of PHI.



THE END

