



# Patient Privacy Training

The importance of protecting our patients' private health information



# What Is HIPAA?

HIPPA: Health Insurance Portability and Accountability Act

- Originally signed into law in 1996
- Has had many different additions over the years, including the introduction of the Privacy Rule in 2003.
- The privacy rule required that a patient's private health information (PHI) be protected by those who store it from misuse.
- All covered entities are required to abide by the privacy rules.



# What is a "Covered Entity"

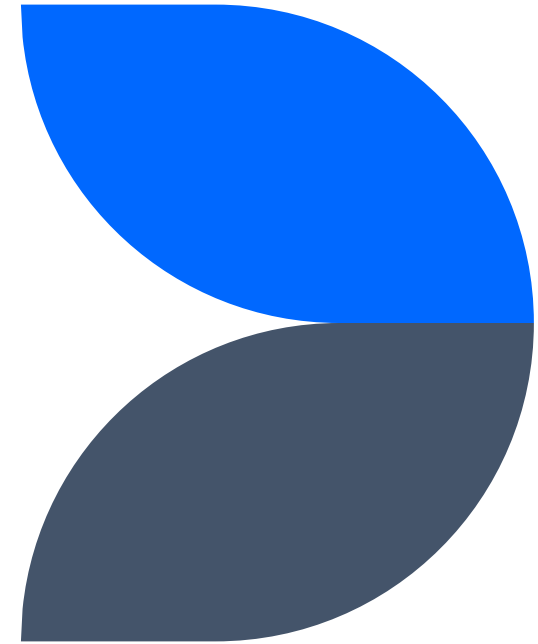
Any organization who transmits patient health information electronically in connection with transactions such as claims, benefit verifications, referral requests and certain other standard transactions is a covered entity.

**Is your clinic or group a covered entity? YES!**

## What is Personal Health Information?

"Individually identifiable health information" is information, including demographic data, that relates to:

- the individual's past, present or future physical or mental health or condition, the provision of health care to the individual, or
- Information about past, present or future treatment or payment that could be reasonably used to identify an individual
- 13 Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).
- Employment records that a covered entity maintains in its capacity as an employer and certain other records are excluded from the Privacy Rule



# Authorization Not Required

Written authorization is not required when disclosing PHI for the following reasons:

## To the Individual

Authorization is generally not required from the individual when PHI is being released to the individual directly.

## Treatment

In order to provide treatment to an individual or to facilitate treatment of the individual by another provider.

Ex: Referral to a specialist

## Payment

In order to obtain payment for services from a covered entity.

Ex: to obtain payment of a claim from the patient's insurance

## Operations

For the covered entity's operations activities.

Ex: quality reviews, audits, case management

**Any release not listed above, or release of psychotherapy notes, would require a written authorization.**



# Incidental Disclosures

"A hospital visitor may overhear a provider's confidential conversation with another provider or a patient, or may glimpse a patient's information on a sign-in sheet or nursing station whiteboard. The HIPAA Privacy Rule is not intended to impede these customary and essential communications and practices and, thus, does not require that all risk of incidental use or disclosure be eliminated to satisfy its standards. Rather, the Privacy Rule permits certain incidental uses and disclosures of protected health information to occur when the covered entity has in place reasonable safeguards and minimum necessary policies and procedures to protect an individual's privacy.

# Reasonable Safeguards

- Speaking quietly in common areas
- Implementing a Clean Desk Policy
- Turning charts toward the wall when in wall pockets
- Using screen protectors to keep information on computers from being viewed.
- Not leaving computers logged in while in the exam room
- Not releasing patient treatment or demographic information to individuals other than the patient without their written consent
- Utilizing the 'Minimum Necessary Rule' at all times. This means releasing only the information necessary. An example would be releasing records only for the dates requested, and granting role-specific records access for staff members.

# HIPAA and Social Media

- Because we are required to protect our patients' information, disclosing PHI on Social Media is not an authorized use.
- Patient information should never be posted on social media, even if you feel the information is not specific. If the information is enough to reasonably identify the patient, it could still be a violation of the law.
- Even if the disclosure is unintentional, it could still be a violation. For example, you take a photo while at work and post to social media and the photo captures a computer in the background with patient information displayed.