

HIPAA Study Guide & Review Questions

*Study Guide & Review Questions are designed to be used in conjunction with the HIPAA Training Video: "HIPAA Privacy Primer"

WHAT IS HIPAA?

1. HIPAA stands for "Health Insurance Portability and Accountability Act."
2. A federal law to protect the confidentiality and security of health records through certain standards or values. The law is about:
 - What information is considered confidential.
 - How health care workers may use patient information.
 - With whom health care workers may share patient information.
 - How much information health care workers are allowed to look at and to share.
3. A set of guidelines for protecting the confidentiality of "individually identifiable health information" or Patient Health Information (PHI)
 - Any information you see, hear or read through your job is considered private.
4. HIPAA protects information in all forms – written information on paper, in the computer and even spoken information.
5. Privacy of patient information is not new, but HIPAA was designed to set and to enforce uniform standards, putting an additional focus on information privacy.

WHY SHOULD I CARE ABOUT HIPAA?

1. Health care workers are morally bound to protect patient information.
 - You, as an employee, are ethically bound to keep patient information private, even after you are no longer employed by your organization.
2. Mental health, substance abuse, and sexually transmitted disease create a heightened awareness for the need for privacy.
3. The public is more cautious about sharing health information with their provider because of documented cases of the use of health information to make decisions about hiring, firing, loan approval, and other inappropriate uses.
4. Every day we face situations where there is the possibility that confidentiality will be broken.
 - Most of the time when confidential patient information is leaked, it is unintentional or accidental.
 - But whether done intentionally or unintentionally, violations of privacy have increased.
5. The need for health care does not justify unwanted invasion into the patient's life.

DEFINING CONFIDENTIALITY/PRIVACY

1. Privacy defines who is authorized to look at or see patient information.
2. Normal practices such as speaking loudly in a crowded emergency room, discussing patients over the phone, talking at a nursing station or discussing a patient's condition with a supervisor are permissible, with "reasonable precautions" such as:
 - Standing away from others who are within hearing distance.
 - Lowering your voice so that others are less likely to hear.

WHAT INFORMATION IS PROTECTED UNDER HIPAA?

Any information about a patient's physical or mental health condition that could identify the patient.

- It Includes information in any format- computer, paper, conversation, video.
 - It can be a very small amount of information but if you can identify the patient with that information, it is protected by HIPAA regulations.
 - For example, let's say you take care of Mike and Joe. If, while caring for Mike you talk to Joe, and you say enough about Joe that Mike knows who you are talking about, even though you did not use Joe's name, you are violating protected information.
1. HIPAA uses the terms "use" and "disclosure" - important ideas in understanding how to appropriately protect an individual's privacy, yet get your job done.
 - "Use" refers to how confidential patient information is used in an organization.
 - "Disclosure" relates to how health information is communicated to an outside person or organization.
 - Whether the information is released via fax, accessed through the computer system, or spoken out loud, good judgment must be used when "disclosing" information.

HIPAA'S MINIMUM NECESSARY

1. Minimum necessary talks about:
 - Looking at information.
 - Using that information.
 - Sharing that information on a "need to know" basis to get your job done.
2. Working in a healthcare organization does not give a person the right to use or even see any and all patient records.
3. The minimum necessary rule says you can look at only the information you need to know to get your job done.
4. The HIPAA rule requires an organization to:
 - Decide who should be able to read private health information.
 - Identify what portions of the health care record they can and cannot get into.
5. Remember that some patient information cannot be shared with you.
 - Don't get upset or offended if all of your questions cannot be answered.
 - It's not that someone is trying to hide anything – they are just following the HIPAA regulations and respecting the patient's right to privacy.
6. If you are unsure about what information you can see and what information is restricted in your organization, check with your organization's leaders or supervisors.
7. In transporting information, it is important to have steps in place to prevent loss or unauthorized access.
 - If you carry any patient information - in a folder from home to home, information on a laptop computer, etc. – check to see what the policies are in your organization.
8. HIPAA has sanctions or punishment for organizations and employees who don't properly protect patient information.

WHAT DOES THE HIPAA RULE MEAN FOR MY PATIENT?

Think of yourself as a patient, what rights would you want and who would you want knowing your private information?

1. If the patient does share information with you, remember that it is important to keep this information confidential - don't share it with your friends or your family.
2. Never discuss the patient's identity or condition outside of the work setting.
 - For example, you may run into your friend Mary at a store. You say to Mary, "I see your Aunt Josie was admitted to our nursing home." Even though your intentions are good, Aunt Josie may not want Mary to know about her admission to the nursing home.
3. Never disclose to another patient any information about others that may be receiving help or service from you or from your organization.
4. HIPAA gives patients control over their health information.
5. For patients, it means being able to make informed choices about how personal health information may be used.
6. HIPAA gives patients the following rights:
 - To be aware of their rights (the organization must tell the patient).
 - To have a paper copy of "Notice of Privacy Practices".
 - To request restrictions - to limit who will be allowed to see portions or all of their record.
 - a. For example, a patient may say that no family members are allowed to see notes related to their visit with the psychologist.
 - To confidential communication - to choose how you communicate with them
 - a. For example a patient may ask that no family member is present when you are talking about their care or they may request no phone calls at work.
 - To access information – inspect it and copy it.
 - To amend records: to request an amendment or correction to the record.
 - a. This does not mean patients are allowed to cross through charting. It means they can make a change which corrects something they do not agree with.
 - b. Organizations can deny the request to amend a record.
 - To an accounting of disclosures: to know what health information has been sent to whom and for what purpose.
 - a. This does NOT pertain to information that is related to their treatment.
 - To complain about privacy violation.
 - Regarding marketing and fundraising: patients have the right to "opt out of" (not be included) future communication on marketing and fundraising activities.

PROVIDER/FAMILY INTERACTION

What if a family member or close friend is asking you for your patient's clinical or billing information? What should you do? An appropriate response might be:

1. Obtain permission from the patient if they are competent to give permission.
2. If the patient is present, ask the patient directly if it is okay to talk in front of the person present.
 - Give them opportunity to comfortably object to discussing their health information in front of others present in the room.
3. If the patient is NOT present when someone else asks for patient information, use good judgment in disclosing information. To make this decision, consider:
 - Who the person is and their relationship to the patient?

- Disclose only the information that is pertinent to that relationship. For example, if the relative has financial Power of Attorney and is requesting information related to payment of the bill, it would be appropriate to disclose information for payment purposes.
- Generally, don't change what has been okay with the patient in the past. For example, if family members have always been present when discussing the patient's health and there has been no objection from the patient, continue to have the discussions just as you did before HIPAA.

WHAT DOES THE HIPAA RULE MEAN FOR ME?

1. When you work in a healthcare organization you are exposed to confidential information all the time.
2. What you do with the information is serious business?
3. How do you decide when information is considered private and when it is not?
4. Here is a major consideration:
 - Did you see, hear, or read information through your job?
 - If yes, it is considered confidential and you must keep it to yourself.

ACTION STEPS TO KEEP PATIENT HEALTH INFORMATION CONFIDENTIAL

1. Be aware of potential problems and take steps to avoid them BEFORE they happen.
2. Make sure papers, documents, and reports containing patient information are shredded or destroyed in some way before throwing it in the garbage.
3. If fax and copy machines are used to send or copy patient information, make sure they are located away from public areas.
 - Make sure private information is sent to the right person (call to verify).
 - Use a fax cover sheet with a confidentiality statement on it.
 - Pick up information immediately from the printer or copier.
4. Always consider where you are when talking about confidential information.
 - Are you in a public area where others can hear?
5. Whether you are talking to a patient or family or with coworkers, try to keep your conversations from being overheard.
 - If possible, move to an unoccupied corner or another room to protect the privacy of the information discussed.
6. Keep confidential patient information out of public areas such as waiting rooms, conference rooms, the top of nursing station or receptionist desk, or on white boards viewable by the public.
7. Don't assume the person with the patient knows all the information.
8. Be cautious when using a cell phone and talking about patient information.
 - Remember that information can be listened to with an electronic scanner similar to police scanners or a two-way radio.
 - Only say information that could be said in public.
 - Never provide personal information over the telephone to anyone unless you placed the call and know the person at the other end.
9. Don't leave confidential information on answering machines – you never know who is listening to the message. Leave your name and ask the patient to call back.
10. An important aspect of protecting a patient's privacy is keeping their records safe and protected regardless of where they are kept.
 - If a medical record is kept in an office and the office is unattended and open to the public, how will the record be secured?
 - You carry a computer back and forth between work and home. It contains patient information. How do you protect that information?

- Computer screens should be turned or positioned to prevent the public from viewing the information.
 - a. Computers should be in a secure area & never left unattended.
 - b. There should be a screen saver or automatic log-out system in place.
- No email information should be sent about a patient unless proper protection measures are in place.

ACTION STEPS TO KEEP HEALTHCARE HEALTHY

1. Keep the patient's trust by respecting their privacy.
2. Make the place you work a place where you would want to receive care.
3. Make it a personal mission to protect patient privacy.
4. Only information important to a patient's treatment is released and only to those directly involved with the patient's care.
5. Look at routines in your organization – paper handling, machines, personal interactions. What can you do to make it better?

REPORTING BREACHES

Let's say the worst-case scenario happens and a privacy policy has been violated. Now what? You are duty-bound to report any known or suspected breaches of confidentiality. You can do this without fear of revenge or retaliation, according to the regulations.

What if you overhear private patient information? What should you do? First of all, respectfully let the person speaking know that you can overhear the conversation. It is also important, if you know there has been a breach of confidentiality, to report it to your supervisor.

HIPAA allows for both criminal and civil penalties, which may include jail time and fines for certain type of breaches in confidentiality. So you can see, reporting breaches of confidentiality is very important. When you have a question or concern related to privacy, go to your supervisor or your organization's HIPAA Privacy Officer. Remember, providing quality care means keeping the patient's trust that their information will be kept private.

HIPAA TRAINING & AGREEMENT FORM

I have reviewed and understand the HIPAA Privacy Information. I agree to the duties, obligations, responsibilities, and conditions for maintaining the privacy and confidentiality of patient information described in the training.

As an employee, I understand that I must maintain the privacy and confidentiality of any and all confidential patient information to which I have access in the course of carrying out my work. I will maintain confidentiality of such information, regardless of its source and in any and all formats (i.e., paper, magnetic, computer, conversations, film, etc.)

I recognize the value and sensitivity of patient information and understand that it is protected by law and by the strict policies of SEMCIL.

If I have a reason to believe that there is any breach of patient confidentiality, I will immediately notify my Qualified Professional (QP) or Human Resources Manager.

I agree to keep all patient information confidential for an indefinite period of time, even after I am no longer an employee.

Employee Signature

Date

Print Name

(OVER)

STUDY QUESTIONS

1. HIPAA Privacy is about (list 4):
 - a.
 - b.
 - c.
 - d.
2. HIPAA protects information in all forms - written information on paper, in the computer and spoken information.
 - a. TRUE
 - b. FALSE
3. Normal practices such as speaking loudly in a crowded room, discussing patients over the phone, talking at a nursing station or discussing a patient's condition with a supervisor are never permissible under HIPAA.
 - a. TRUE
 - b. FALSE
4. Minimum Necessary deals with three aspects of information. List them:
 - a.
 - b.
 - c.
5. The Minimum Necessary HIPAA rule means some patient information cannot be shared with you if you do not need the information to do your job.
 - a. TRUE
 - b. FALSE
6. HIPAA gives patients more control over their health information and helps them to make informed choices about how personal health information may be used.
 - a. TRUE
 - b. FALSE
7. Any information you see, hear or read through your job is considered confidential and is subject matter that falls under the HIPAA regulations.
 - a. TRUE
 - b. FALSE
8. List three action steps you can take to keep patient health information confidential:
 - a.
 - b.
 - c.
9. HIPAA allows for both criminal and civil penalties, which may include jail time and fines for certain types of breaches in confidentiality.
 - a. TRUE
 - b. FALSE
10. There is no real connection between providing quality care and keeping the patient's information private.
 - a. TRUE
 - b. FALSE