HIPAA Primer

“HIPAA” is the Health Insurance Portability and Accountability Act of 1996. HIPAA is a law designed to, among other things, protect the privacy of patient information. As a healthcare provider or physician serving in a locum tenens or temporary capacity, HIPAA affects you. The purpose of this informational brochure is to outline the basics of the HIPAA requirements. This brochure concludes with a brief self-test.

HIPAA generally requires that health care providers, physicians, clinics and hospitals safeguard and protect patient information. Patient information is to be used only for purposes of treatment, payment and healthcare operations. Use of patient information must be limited to the minimum amount needed to perform the task at hand. In addition, only those with a need to know are permitted access to patient information. Patient information includes any information about a patient that is personal to a patient such as name, birthday, condition, Social Security number, address, medical history, or similar items of personal information. Violations of HIPAA may result in civil or criminal penalties. Therefore, it is important that you familiarize yourself with HIPAA requirements.

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HIPAA Self-test (cont.)

7. Under what circumstances are you free to repeat the others private health information that you hear on the job?
   a. After you no longer work at the hospital
   b. After a patient is deceased
   c. Only if you believe the patient won’t mind
   d. When authorized for business purposes

8. If you suspect someone is violating the facility’s privacy policy, you should:
   a. Say nothing; it’s none of your business
   b. Watch the individual involved until you have gathered solid evidence against him/her
   c. Report your suspicions to the privacy officer or your supervisor

9. Which of the following are some common features designed to protect confidentiality of health information contained in patient medical records?
   a. Locks on medical records rooms
   b. Passwords to access computerized records
   c. Rules that prohibit employees from looking at records unless they have a need to know
   d. All of the above

10. Which of the following situations describe proper techniques for protecting a patient’s privacy and confidentiality?
    a. A doctor brings a patient into an unused room to discuss the patient’s medical condition
    b. A doctor who is reviewing a patient’s record leaves the folder in the doctor’s lounge to review later
    c. A doctor emails a physician colleague to consult about a patient’s condition; he explains the condition but omits any identifying information regarding the patient

Answers:
1. d,
2. c,
3. True,
4. b,
5. c,
6. True,
7. d,
8. c,
9. d,
10. a & c
As a health care provider or physician, you will need to know certain patient information and will come across it in your work. Upon arrival at an assignment, the first thing you should do is familiarize yourself with the privacy policies and procedures of the facility or practice where you are working. This is the best method of ensuring compliance. Exercising common sense is another excellent way to comply. Taking care to protect the privacy of patient information is easy. Below are some practical considerations for complying with HIPAA requirements:

- Never move patient records from the facility where you are working.
- Never disclose or discuss patient information for any purpose other than treatment. Although HIPAA permits disclosure for payment and operations, as a locum tenens physician or temporary provider you will typically not be using patient information for any purpose except treatment. You can and must report cases of malpractice or other clinical incidents to us. This is permissible under the operations component of HIPAA.
- Be careful to exercise common sense and caution in the workplace; do not leave patient files in public view, do not dispose of patient records or test results in public trash receptacles, do not discuss a patient’s care in the elevator or in places where public may overhear you, do not send patient information via email unless it is encrypted, do not leave computer workstations with visible screens that contain patient information unattended, do not announce the nature of the patient’s to those in the waiting room area. These are some examples of common sense measures that should be employed to help protect the privacy of the patient information. You must protect the privacy of patient information even after you no longer work at the practice or facility and even if the patient is deceased.
- Under certain limited circumstances, such as the reporting of certain communicable diseases to public health agencies, disclosure of patient information may be made outside of the healthcare setting and for reasons other than risk management purposes. These circumstances will generally be limited to reporting suspected child abuse or domestic violence and similar situations. The privacy policies and procedures of the facility where you are working will offer guidance as to what to do in these circumstances.

The facility where you are working will take care of securing patient authorizations and administering HIPAA on a day to day basis. Your primary responsibility as a locum tenens physician or temporary health care provider is to take reasonable steps to safeguard the privacy of the information. The case scenarios and self-test included in this brochure will help to illustrate how HIPAA applies to you in practice.

Case scenario #1
The newspaper has reported that someone famous has come to the hospital, and you’re curious to know if this is true. Should you look around or look for records about person?

Obviously the answer is no. You are not allowed to satisfy your curiosity. If you do look at patient records to satisfy curiosity or for any reason unrelated to treatment and operations. It is cause for dismissal and possible legal consequences.

Case scenario #2
A friend is concerned because his girlfriend is in the hospital. He asks you to find out anything you can. Should you try to find information for your friend?

Again, of course, the answer is no. In fact, you should not even acknowledge that the girlfriend is in the hospital. You should direct your friend to the information desk, where he can learn the patient’s location and general condition, if the patient has agreed to have her information in the directory.

Case scenario #3
You are walking by a trash can and notice that a pile of photocopied records has been laid on top of the trash. How should you handle this? Should you put the records in the shredder or secure disposal container?

The best response is to gather the records and take them to your supervisor. He/she will want to report this to the facility privacy officer so that facility can try to find out why the records were disposed of improperly.

Case scenario #4
While you are entering a room containing records during off-hours, you find that the door is unlocked. Should you lock the door? How should you respond?

The best response is, again, to contact your supervisor or the security department and notify them of the unlocked door. They will want to follow up with the privacy officer to find out why it was left unlocked.

Case scenario #5
You are in an elevator and run into a physician with whom you need to consult about a patient’s care. There are other people in the elevator. Should you discuss the situation while the physician is a captive audience?

No. Others may overhear your conversation. You should let the physician know you need to speak with him/her and reserve the discussion for a later date.

HIPAA Self-test

1. Which of the following are some common way to protect patient privacy?
   - Closing patient doors
   - Knocking before entering a patient room
   - Using curtains to shield patients during treatment
   - All of the above

2. You are working in the emergency department and see that a neighbor has just arrived for treatment after a car crash. You should:
   - Contact the neighbor’s spouse to alert him/her about the accident
   - Say nothing and pretend you didn’t recognize your neighbor
   - Tell the emergency department nurse that you know how to reach the patient’s spouse and offer the information if it is needed

3. Confidentiality protections not just patients’ health-related information, such as the reasons they are being treated, but also information such as address, age, Social Security number, and phone number. True or false?

4. You are approached by an individual who tells you that he is here to work on the computers and wants you to open a door for him or point the way to a workstation. How do you respond to this request?
   - Provide him with the information or access he needs
   - Ask him who at the hospital has hired him and refer him to that person for assistance
   - Call the police

5. Which of the examples below is NOT a common work practice that protects the confidentiality of patient information?
   - Keeping computers logged out of the patient information system when not in use
   - Keeping record locked when not in use
   - Limiting the number of visitors who can see a patient
   - Limiting the people who can look at electronic patient records

6. Privacy laws have provisions that allow physicians to report suspected cases of child abuse to the police, when they are required to do so by other laws. True or false?