HOSPICE & COMMUNITY CARE

HIPAA & HITECH Privacy & Security

Volunteer Annual Review 2017

HIPAA

- In 1996, state and federal governments enacted protection for patient health information by signing into law the Health Insurance Portability & Accountability Act, better known as HIPAA.

HIPAA Privacy & Security

- The Privacy & Security Rules under HIPAA require healthcare organizations to adopt processes and procedures to ensure the highest degree of patient confidentiality.

Covered Entities & Business Associates

- HIPAA is a broad and far-reaching law. Covered entities include healthcare plans, providers (like us), and clearinghouses. Covered entities must comply with the HIPAA regulations.
- The rule also extends to the business associates of covered entities who would have access to patient information. Examples of HCC business associates are Williams Apothecary, Wellspan Pharmacy, and National HME.

Protected Health Information (PHI)

- The Privacy & Security Rules protect individually identifiable health information transmitted or maintained by a covered entity or business associate, no matter what form it takes – oral, written, or electronic.
- Any information that connects the patient to his/her health information becomes protected health information (PHI) under HIPAA.

Examples of PHI

- Some examples of protected health information (PHI) include:
  - Name
  - Address
  - Phone number
  - Dates (date of birth, admission date, discharge date, date of death)
  - Social Security number
  - Medical Record number
  - Health plan beneficiary number

HIPAA Violations

- When making a Home Hospice visit, make sure the details of the patient visit are electronically charted as soon as possible following the visit.
- Any handwritten patient information MAY NOT contain patient's name or medical record number. ONLY the patient's initials are acceptable.
- Any handwritten patient information MUST be destroyed as soon as possible in one of HCC's shred bins. It cannot be thrown away in your home trash.
- All handwritten patient information is HIPAA protected and if lost must be reported immediately to your supervisor.

Minimum Necessary

- Patients have the right to control who will see their PHI.
- Communications involving patient health information must be private and limited to those who need the information in order to provide treatment, payment, and health care operations (TPO).
- When using or disclosing PHI or when requesting PHI from another covered entity, a covered entity must make reasonable efforts to limit PHI to the minimum necessary to accomplish the intended purpose of the use or disclosure.

Consents & Authorizations

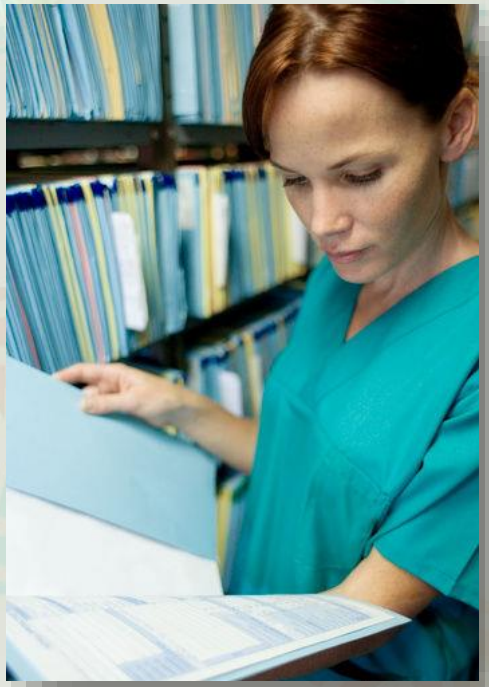
- HCC obtains a legal Consent for Service from all patients admitted for service. The signed consent allows HCC to use or disclose the patient's confidential information as needed during the course of business.
- An Authorization is required for uses of information other than for treatment, payment, and health care operations (TPO).

Notice of Privacy Practices

- A Notice of Privacy Practices (NPP) is provided to every patient admitted to Hospice & Community Care. Patients acknowledge that they have received the NPP when they sign their Consent for Service form.
- HCC's NPP informs patients of:
  - The uses and disclosures of PHI that HCC may make,
  - The patient's right to access and amend their medical information, and
  - HCC's responsibilities with respect to PHI

Administrative Safeguards

- Since many of us receive, store and transmit PHI as part of our day-to-day responsibilities, the Privacy Rule requires administrative safeguards to ensure that PHI is not compromised.
- One of the requirements is to designate a Privacy Officer for the organization. Lori Kain is HCC's Privacy Officer.



ARRA

- On February 17, 2009, President Barack Obama signed into law the American Recovery & Reinvestment Act of 2009 (ARRA).
- ARRA is an economic stimulus package enacted by the 111th United States Congress.

HITECH

- Title XIII of the ARRA legislation is the Health Information Technology for Economic & Clinical Health Act (HITECH). HITECH's main goal is to encourage the adoption of electronic health records (EHRs).

- The HITECH Act also included important changes in HIPAA Privacy & Security, including the extension of these rules to business associates of covered entities.

Breach Notification Rule

- Another significant change under HITECH is the “breach notification” regulation for covered entities and business associates under HIPAA.
- The breach notification rule requires that covered entities and business associates provide notification following a breach of unsecured protected health information.

Terms to Know

- Breach: Unauthorized acquisition, access, use or disclosure under the Privacy Rule that compromises the security or privacy of the PHI.
- Unsecured PHI: PHI that has not been rendered unusable, unreadable, or indecipherable to unauthorized individuals by use of the encryption or destruction methods specified by HHS in guidance.

Reporting a Breach

- Any breach in information must be reported on an organization Event Report.
- Information breaches will be brought to the attention of HCC's Security Officer, Krista Kae Hazen and to Deb Bortle, Director of Quality & Compliance.
- In addition, any concerns regarding possible privacy violations can be reported confidentially to the organization Compliance Line at 717-391-2446.

Accounting of Disclosures

- The HITECH Act implemented new rules for the accounting of disclosures of a patient's health information, extending the requirements to information used to carry out treatment, payment, and healthcare operations (TPO) when an organization uses an electronic health record.

Other HITECH Updates

- HITECH also addressed a number of smaller provisions pertaining to fundraising, marketing, and restrictions on disclosures.
- It is important to continue to be aware of new rules and guidance under the HITECH Act.

Compliance & Enforcement

- Failure to comply with the HIPAA Privacy or Security Rules can lead to significant financial penalties and/or imprisonment.
- Also, with the addition of HITECH, civil penalties were increased based on a tiered penalty structure dependent on the severity of the violation.