

## **HIPAA Overview for [NAME OF PRACTICE] (“Practice”)**

### **What is HIPAA?**

HIPAA stands for the Health Insurance Portability and Accountability Act, a federal law which was passed in 1996. HIPAA imposes several requirements related to health insurance and health records.

One aspect of HIPAA, known as the Privacy Rule, (i) provides patients with certain rights with respect to their health information, (ii) requires that health care providers protect the privacy of health information, and (iii) requires that those working for health care providers be trained in policies and procedures related to maintaining privacy. The HIPAA Privacy Rule applies to health information in any form, including paper, electronic, and oral.

The HIPAA Security Rule is specific to electronic copies of health information and requires it to be maintained in a way that protects the availability, integrity and confidentiality of these records.

This document provides an overview of HIPAA Privacy Rule requirements to ensure that you are aware of your responsibilities while working in or visiting our Practice.

### **What are the key points of HIPAA Privacy?**

#### **PHI**

HIPAA identifies those records which are affected by the regulation as Protected Health Information (PHI). PHI is defined generally as any information which identifies the individual and which is related to an individual’s physical or mental health, health care or health care payment.

Some examples of health information include:

- Medical charts
- Billing information
- X-rays and films
- Lab test results
- Diagnosis and treatment data

Some examples of identifiers include:

- Name and address
- Phone number
- Medical record number
- Social security number
- Photos
- Billing or other account numbers
- Date of birth or date of visit

#### **Patient Rights**

The HIPAA Privacy Rule affords patients the following rights with respect to their protected health information (PHI):

- Right to be notified of our privacy practices

- Right to access and amend their designated record set
- Right to an accounting of who has reviewed their health information other than for treatment, payment or healthcare operations or with the patient's authorization.
- Right to request that access to their health information be restricted or to allow for confidential communication of that health information
- Right to file a complaint with the US Department of Health and Human Services
- Right to be notified in the case of a breach of their PHI.
- Right to give express consent prior to allowing any non-provider observers to be in the room during treatment.

### **Privacy**

HIPAA requires that we maintain the privacy of health information by:

- Limiting access to health information to those who are involved in
  - treatment of the patient,
  - payment for that treatment
  - our own health care operations
- Restricting access for purposes other than those listed above to those instances which were authorized by the patient or which fall into specific categories defined by the federal regulations.
- Providing or viewing only the minimal amount of health information necessary to perform these functions.

### **How does HIPAA impact how I perform my job or otherwise conduct myself while I am here?**

For all individuals working or observing patient care in our Practice, care must be taken to:

- Ensure the confidentiality of any PHI which you have access to by:
  - Not sharing the information with others who have no need to know, including co-workers, family members or friends
  - Minimizing opportunities for patient information to be overheard by others
  - Securing paperwork which contains PHI from viewing by others by storing such paperwork in a drawer or folder when not in use
  - Closing computer programs containing patient information when not in use
  - Using a cover sheet when faxing PHI
  - Never sharing passwords or logging in under someone else's password
  - Disposing of information containing PHI properly such as shredding paper files
- Limit access to PHI by:
  - Only viewing those health records which are necessary for your job or purpose for being an observer in the practice.
  - Checking that individuals asking for PHI have a legitimate reason and if you are unsure, check with a supervisor.
  - Checking with a supervisor regarding requests for access other than by a treating clinician or individual involved in processing payment.

When your position involves interacting with patients, please be aware that patients may wish to act on their HIPAA patient's rights.

### **What happens when I leave the Practice?**

Your obligation to maintain the privacy of health information continues even after you leave the Practice. Patients rely on us to never share their health information inappropriately.

### **Reporting Potential Breach Incidents**

Federal law requires that information security breaches involving protected health information be reported to the affected patients, the federal government, and, in some cases, the media.

### **Who should I speak to if I have questions?**

Should you have question about your responsibilities under HIPAA please ask a supervisor.

### **Patient Consent**

Patient consent must be obtain prior to allowing any non-practice employee (such as a student, equipment rep, or other individual) to observe any procedures or other patient encounter. This consent may be written or oral (verbal), and in either case, should be noted or maintained in the patient file. Patients are free to decline to allow observers, and must never feel pressured to allow someone from outside the practice to observe their visit.

Acknowledgment of Practice Visitor/Observer

I HAVE READ AND UNDERSTAND MY OBLIGATIONS UNDER THIS POLICY

Signature: \_\_\_\_\_

Name (Print): \_\_\_\_\_

Date: \_\_\_\_\_