

HIPAA & FWA Annual Training

What is HIPAA?

The Health Insurance Portability and
Accountability Act of 1996

Three major components:

- Privacy Rule
- Security Rule
- Electronic Data Exchange

The Privacy Rule

What does it mean?

Patients have the right to have their medical situations, conversations and records kept confidential.

The Privacy Rule outlines how to protect one's personal health information.

The Security Rule

Dictates how providers should protect PHI
(Personal Health Information)

Dictates how providers should protect ePHI
(Electronic Personal Health Information)

Defines who can see PHI/ePHI – control how
PHI/ePHI is stored

PHI can be:

Part of a conversation

Information recorded on paper

- referral forms
- notes/charts

Information that can be viewed

- x-ray printouts
- prescription bottles

ePHI can be:

Emails

Files on a USB drive

A stored scan in a copy machine

Database

**Both PHI and ePHI
Contain Patient Identifiers**

Examples of Patient Identifiers

- Names
- Social Security Numbers
- Medical Record Numbers
 - Date of Birth
 - License numbers
 - Account numbers
 - Fingerprints

Examples of Patient Identifiers

- Face photos
- Addresses
Physical or email
- Phone numbers
- IP addresses
- Anything else that can identify a specific individual is considered patient Identifiers.

Patient Rights

Patients have the right to:

Individual privacy

To expect that providers protect
an individuals privacy

To access their own PHI records

To file complaints

Safeguarding PHI and ePHI

- If signing, ensure that no others can see the conversation
- If speaking, ensure that no others can hear the conversation
- Never discuss an individual's PHI without a Release of Information form
- Lock up all files that are not being used
- Cover or turn over papers that contain PHI if stepping away or if someone approaches

Safeguarding PHI and ePHI

- Log out of your computer when not in use
 - Shut the computer down every day
- Retrieve printouts immediately from the printer
- Shred all paperwork with PHI when no longer needed
- Report any loss, theft and or improper disclosure of PHI to your supervisor
- When leaving a voicemail or SignMail, state only your name, where you are calling from, and leave your number for the client to call back

Safeguarding PHI and ePHI

- Verify phone numbers before faxing
 - Verify information
 - Verify a person's identity
- Verify that a requestor has a right to the information being requested
- Notify your supervisor immediately if a breach of any of these safeguards occurs

Other Security Measures

- Access only websites you know and trust

Never download anything unless it is from a trusted and secure site

- Don't open email attachments if you don't know what it is for or who its from

- Use strong passwords

(with at least: 6-8 characters, one number, one capital letter, and a symbol)

- Stay away from passwords based on relatives' names

pet names

significant dates

Violations

- Incidental

Someone peeking in the window or over your shoulder

- Accidental

Telling the wrong person by mistake

- Intentional

Carelessly or deliberately sharing PHI

Reporting Violations

Employers cannot retaliate for filing a complaint or reporting a breach of PHI

Who to inform

The Compliance Officer
Your supervisor

When

Immediately!

Why?

To reduce the damage and repair the situation

Fraud, Waste and Abuse

- What is FWA?
- What are some examples of FWA?
- How to handle FWA incidents

Definitions

- Fraud

Intentionally deceptive actions or statements

- Waste

Providing unnecessary services

- Abuse

Providing services that do not meet professional standards

Medical Examples of FWA

- Forging a prescription
- Selling your prescription drugs to someone else
- A doctor writing an unnecessary prescription
- Sending falsified data to CMS
- Referrals made for kickbacks
- Using incorrect billing codes to get more profit

How does all of this apply to DHHSC?

In all honesty, very little of it does.

However,

Our CSS staff receives confidential information, limited PHI and advocates for client services.

Our interpreters are witnesses to a variety of confidential information, situations and PHI.

It is because of this, we are required to understand and adhere to this law.

Examples of how this applies to DHHSC:

- Discussing/Sharing a clients information outside of work
- Discussing personal information with a client in the lobby
- Submitting a bill for interpreting services that were never provided
- Advocating for unnecessary services for clients
- Lying about what deaf patient says to a provider

Reporting Violations

Employers cannot retaliate for filing a complaint or reporting Fraud

- Who to inform

The Compliance Officer

Your supervisor

- When

Right away!

- Why?

To reduce the damage and repair the situation

Whistleblower Act

False Claims Act

Includes a whistleblower provision

This provision provides protection against retaliation by an employer

A whistleblower can file a lawsuit if

- They possess actual knowledge of false claims being made
- If the employer retaliates against the whistleblower