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 individual's 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 client's 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 a 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