



PEAK
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HIPAA: Protecting Your Clients

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After reading the newsletter, the home health aide should be able to:

1. Identify three sections of HIPAA and their purposes.
2. Describe HIPAA requirements and penalties for violations.
3. Discuss the role of the HHA in protection of client privacy.

Patient privacy is an extremely important right of all persons receiving healthcare. For these purposes, privacy can be defined as the individual's right to control access to his/her personal health information. In the US, federal and state regulations have been enacted to help protect patient privacy, as well as other healthcare-related patient rights. One of the most comprehensive of these laws is HIPAA, the Health Insurance Portability and Accountability Act.



This newsletter will discuss HIPAA regulations, including purposes, requirements and penalties for violating these regulations. The role of the home health aide in the protection of patient privacy will also be covered.

What Is HIPAA?

The HIPAA law is a group of federal regulations, first enacted in 1996. The original purpose of HIPAA was to ensure that workers and their families could continue their health insurance coverage when changing or losing jobs. HIPAA was also enacted to protect workers from discrimination. It ensures that individuals are not denied health insurance coverage, or charged higher rates, because of issues such as pre-existing health conditions, disability or genetic information.

Because HIPAA was enacted to promote the transfer of insurance

coverage (the "portability" part of the law), regulations were also set in motion to protect this healthcare information during transfer, which is the "accountability" part of HIPAA. This law also affords patients the right to view their medical records, as well as ask for corrections.

Since 1996, HIPAA regulations have been expanded to provide more protection for an individual's healthcare information. Some of these protections include the:

Privacy Rule: This sets standards for the sharing of protected health information (PHI). PHI includes not only medical information, but data such as the patient's name, address, birth date, marital status and social security number.

Security Rule: This rule requires the protection of electronic PHI, such as safeguards and policies to ensure that only authorized employees have access to PHI.



Breach Notification Rule: If PHI is lost, stolen or inappropriately used or obtained, covered entities must notify the affected individuals and the department of Health and Human Resources. If an employee is found to have violated the facility's HIPAA policies, disciplinary action may be taken. This may include reprimand, additional training, suspension or job termination. Violations of HIPAA regulations may also result in civil and criminal penalties for a facility,

organization and/or employee. These penalties may include loss of licensure, fines in the millions of dollars and up to 10 years in prison.



Who Must Follow HIPAA?

HIPAA regulations apply to most of the following groups, known as “covered entities” under HIPAA:

Healthcare providers: who transmit data, such as referrals and insurance claims, electronically

Health insurance plans: such as Medicare/Medicaid and individual or group insurance plans

Healthcare clearinghouses: These companies receive insurance claims from the provider, ensure they are complete and correct, and send them to the insurance plan for payment.

These covered entities must protect PHI, not just when transmitted electronically, but in all forms, including written and verbal forms. Also, some federal and state laws may require that some conditions receive more privacy protection than others. These may be called “sensitive” or “highly confidential” conditions, and may include mental health issues, substance abuse, HIV/AIDS, genetic tests, communicable diseases, sexually transmitted diseases, domestic violence, sexual assault, and abuse/neglect of children, elders or the disabled. Since these conditions may be held to a higher standard of confidentiality, it is important to be familiar with the laws in your state.

There are situations in which PHI can be shared without the person’s authorization. PHI can be shared with others involved in the patient’s treatment, to arrange payment for treatment, and for the healthcare provider’s business operations. It can also be shared when the health of others is at risk, such as the reporting of certain communicable diseases or child abuse, as required by law.

Protecting Client Privacy

As a home health aide, you not only have a legal obligation to protect client privacy, but an ethical responsibility, as well. Never assume that you can share PHI with family members or others, such as when the client’s sister comes for a visit and says, “How’s my brother doing?” Share information only with healthcare providers participating in the client’s care, and anyone the client has listed on his/her HIPAA form as an approved contact. Remember that only employees currently involved in a client’s care can have access to the client’s information. If a staff member comes to ask questions or look at a client’s

chart out of curiosity, that is a breach of privacy. The staff member should be told that you cannot provide the information due to privacy laws.

Even when you are caring for a client, this does not mean that you have unlimited access to his/her PHI. When providing care, you are authorized to receive only the minimum health information required to do your job. If you look in a client’s record for information that you are “curious” about but do not need in order to provide care, such as marital status, that is a HIPAA violation. To help determine whether you should look up or share client information, ask yourself, “Do I (or does someone else) need this information in order to provide care?” A truthful answer will prevent looking up PHI due to curiosity or gossiping to another about the client’s condition. Always follow agency policy regarding client privacy, and ask the nurse if you are unsure about providing information.

Just as you receive only the minimum amount of PHI, you should share only the minimum amount needed, as well. If you call the client about a visit and need to leave a message (and they have given permission for this), leave only the minimum amount of information. For example, say only that you’ll be there at 9:00, and don’t include “for your dressing change and enema.”

As always, use care in discussing a client’s health information in the agency. Don’t hold discussions in the hallways, elevators, or other public places, and never in social settings. HIPAA requires that reasonable care be used to keep conversations private, such as speaking in a low voice and standing apart from others who may be nearby.



If you use a computer, make sure you log off whenever you leave the monitor or laptop, to prevent others from gaining access to this information. Do not leave open charts, lab results, or other client information anywhere others can view it. Also, realize that any materials containing PHI can compromise your client’s privacy, such as assignment notes, empty pill bottles or IV bags. Follow agency policy when disposing of these items.

If a client asks to see his/her medical record, you should let the nurse know, and tell the client he/she will receive a form to request this. Do not share the record with the client, and make sure you are familiar with and follow agency policy.

Your good judgment and awareness of client privacy helps to protect you, your clients, and your agency.



HIPAA: Protecting Your Clients

NAME: _____ DATE: _____

Directions: Place the letter of the one best answer in the space provided.

- ____1. HIPAA helps to protect individuals from:
- A. healthcare discrimination based on their health
 - B. unauthorized sharing of their health information
 - C. loss of health insurance coverage
 - D. all of the above
- ____2. Under HIPAA law, protected health information (PHI) includes:
- A. medical information, such as diagnoses and lab results
 - B. sensitive or highly confidential diagnoses, such as HIV/AIDS
 - C. general information about the client, such as address and birth date
 - D. all of the above
- ____3. A healthcare provider covered under HIPAA can legally share a client's PHI with any:
- A. family member of the client
 - B. healthcare provider
 - C. person listed on the client's HIPAA contact form
 - D. person who has access to the facility's computer system
- ____4. For healthcare providers covered under HIPAA, only electronic forms of health information are protected. Therefore, HIPAA regulations do not apply if health information is shared in writing or verbally by these providers.
- A. True
 - B. False

- ____5. Which of the following health conditions is most likely to require a higher level of confidentiality than others?
- A. diabetes
 - B. fracture of a leg bone
 - C. fibromyalgia
 - D. depression
- ____6. Under HIPAA law, no health information can be shared with any other person, agency or business without the client's written authorization.
- A. True
 - B. False
- ____7. Penalties for HIPAA violations may include all of the following EXCEPT:
- A. jail sentence of up to 6 months
 - B. loss of licensure
 - C. fines of up to millions of dollars
 - D. loss of job
- ____8. A client tells the home health aide that she wants to see her medical record. The home health aide should:
- A. ask the client why she wants to see it
 - B. show the client the medical record on her laptop
 - C. let the nurse know and provide the client a request form
 - D. let the client know that this is not permitted
- ____9. Healthcare information about the client can always be safely shared with the client's next of kin, such as their husband or wife.
- A. True
 - B. False
- ____10. Tisha is a home health aide caring for Mrs. Reilly. A co-worker who used to care for Mrs. Reilly asks Tisha how the client is doing and what her lab results showed. Tisha should respond by:
- A. providing the information, since the co-worker is an employee of the agency
 - B. quickly changing the subject, since she feels uncomfortable answering
 - C. saying that she can't provide the information due to privacy laws
 - D. suggesting that the co-worker log into the system to check the records

