

# 醫療志工訓練

## “HIPAA”

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# 大綱

- 甚麼是 HIPAA ?
- HIPAA 的目的
- 誰需要遵守HIPAA ?
- 與我們的關係 ?
- 資源

# 甚麼是 HIPAA

- **Health Insurance Portability and Accountability Act (HIPAA)**

# HIPAA brief history

- 1996通過的法案, signed by Bill Clinton
- 同時又稱做Kennedy-Kassenbaum Act
- 提案來自於對健改的隱憂



# HIPAA

- Title I of HIPAA protects health insurance coverage for workers and their families when they change or lose their jobs.
- Title II of HIPAA, known as the Administrative Simplification (AS) provisions, requires the establishment of national standards for electronic health care transactions and national identifiers for providers, health insurance plans, and employers.<sup>[1]</sup>

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- Per the requirements of Title II, the HHS has promulgated five rules regarding Administrative Simplification: the Privacy Rule, the Transactions and Code Sets Rule, the Security Rule, the Unique Identifiers Rule, and the Enforcement Rule.

# 重點

- 醫療保障,不過問其病史,健康狀況,或是否被裁員.
- 避免醫療體系的浪費,濫用,及詐騙.
- 保護病人的隱私權,並付予其行使個人健康資料的權利.
- 簡化行政程序
- 建立資料傳遞的明確標準.
- 降低成本及簡化申請保險金的手續.

# HIPAA 的主要目的

保護病人的權益  
及隱私權

## General Rule

- Covered Entity may not use or disclose PHI, except as permitted or required by Privacy Rule

## To Individuals

Besides required disclosures, Covered Entities also may disclose PHI to their patients/health plan enrollees Examples:

- –Health plans can contact their enrollees
- –Providers can talk to their patients

# Health Care Operations (1)

- Health Care Operations are administrative, financial, legal and quality improvement activities
- Necessary to run business and to support core functions of treatment and payment

## Optional Consent

- Rule permits consent on voluntary basis for TPO
- –Optional consent may not be used where an authorization is required

# Patient's Right (病人的權利)

- **Diagnoses** 知道病況和醫療的資訊
- **Physician and care plan** 選擇自己的醫師及醫療計劃
- **Emergency care** 得到緊急醫療服務
- **No discrimination** 尊重沒有歧視
- **Medical decision** 參與醫療決定
- **Confidentiality** 醫療資訊保密
- **Complaints and appeals** 醫療申訴
- **Autonomy** 醫療主權

# 病人的隱私權包括:

- Social security number 社工號碼
  - 職業性質及職場資料
  - 財力資料
  - 醫療資料(如病史,不論是書面上, 電子傳遞或是口頭上的)
  - 住址,電話號碼,年齡(生日),出入院日期
  - 照片
- 等等,都是屬於confidential information.

# 受保護的資訊

- 病歷
- 醫護人員口頭上的討論
- 電腦的記錄
- 帳單記錄 (billing information)
- 其他

# Protected PHI 受保護的病人醫療資料

- Medical records (病歷)  
醫生，護士和其他提供醫療者的醫療記錄
- Communications among providers  
醫生，護士和其他照顧者的會話
- Medical insurance information  
保險公司電腦的醫療資訊
- Medical bills 診所的帳單訊息
- Past, present and future medical care plans 其他健康有關的訊息 過去，現在，未來的醫療計劃, 治療或支付治療

# What information is protected? (cont.)

- *Personally identifiable health* information held or disclosed by a covered entity in **any** form including orally, written and electronically.

This includes:

- **Name**
- **Specific dates - birth, admission, discharge, death**
- **Telephone number**
- **Social Security number, medical record number**
- **Photographs**
- **City, zip code, and other geographic identifiers**



## 誰需要遵守HIPPA

1. 醫療保險Health plans
2. 醫護人員Health Care provider
3. 有關機構Clearinghouses (such as billing services and community health information systems)



# A health plan

- Health insurance companies
- HMOs
- Company health plans
- Government programs that pay for health care, such as Medicare, Medicaid, and the military and veterans health care programs



# A health care provider

- Doctors
- Clinics
- Psychologists
- Dentists
- Chiropractors
- Herbal doctors
- Nursing Homes
- Pharmacies



# A health care clearing house

- This includes entities that process nonstandard health information they receive from another entity into a standard (i.e., standard electronic format or data content), or vice versa.

(e.g. billing services, repricing companies, community health management information systems and "value added" networks and switches.)



Overall

保障病人 健康資訊隱私權

# CONSENT FORM

- A specific description of the information to be used or disclosed;
- Who (by name or class of persons) is authorized to make the requested use or disclosure of information;
- Who the covered entity is disclosing the information to;
- What the purpose is regarding use or disclosure of the information;
- An expiration date or event;
- How the individual can revoke authorization, including the exceptions and the ability to exercise that right (An individual may revoke authorization at any time, but it must be in writing);
- A statement that information used or disclosed under the authorization may also be redisclosed and no longer protected by the Final Rule;
- A statement that the covered entity will not condition treatment or payment on the individual's authorization; and
- The form must be signed and dated by the individual or by the individual's representative.

# 同意書

- 作用
- 內容
- 責任
- 簽名及日期
- 保障雙方



## WHAT DO PROVIDER AND HEALTH PLAN DO?

- Notifying patients about their privacy rights and how their information can be used.
- Adopting and implementing privacy procedures for its practice, hospital, or plan.
- Training employees so that they understand the privacy procedures.
- Designating an individual to be responsible for seeing that the privacy procedures are adopted and followed.
- Securing patient records containing individually identifiable health information so that they are not readily available to those who do not need them.

# 如何保障病人的隱私權

- 資料安全存放
- 限制使用及使用的合法性
- 教育員工如何保障病人的隱私權

# 如何保障病人的隱私權

- Safety of medical files 資料安全存放
- Limited accessibility 限制使用及使用的合法性
- Staff training 訓練員工如何保障病人的隱私權
- Do not make unauthorized copy or transfer of any patient record
- Do not make unauthorized changes to patient records, report immediately when you notice any violation incident
- Applicable to both paper records and electronic records

# HIPAA 保密實際作法

- 遵守“有需要才告知”和“告知最少需要資訊”的原則
- 將資訊隱藏在其他人視線之外
- 小心地撥電話／傳真號碼並確定您找到讓找的人
- 除非有病人的特別指定，不要將受保護的資訊留在答錄機或語音信箱，留話時也需特別小心
- 當使用行動電話時，選擇隱蔽地點並用正常聲調說話
- 所有紙上病人記錄當不再需要時，應撕碎或用碎紙機絞碎

# Protecting Electronic PHI

- **Protect your password and do not share it**  
不要告訴別人你的電腦密碼或讓別人使用你的電腦
- **Use secure email**  
不要使用沒有加密的電子郵件傳送病人資訊
- **Log out immediately**  
當不用電腦時需用密碼鎖定螢幕或退出軟件
- **Keep your password safe**  
不要把電腦密碼放在容易取得的地方

# Protecting Verbal PHI

## 言語上對病人資訊的保護

- **Privacy first**  
病人保密絕對優先，因為患者及家屬第一
- **Non-essential staff**  
知道誰可能在您的周圍地區，尤其是非工作人員
- **Phone conversation**  
確認與你電話交談人的身份
- **Phone message**  
限制訊息留在答錄機
- **Keep conversation private**  
當不在辦公室，隨時留意交談內容不涉及病人和家屬隱私

# Exceptions-保密的例外規定

- Patient becomes a threat to self or others  
如果病患對本人或他人構成威脅，則無須遵守保密規定

Call 911 immediately

如果病患對本人／他人構成直接威脅 立即打電話 9 1 1

Report patient's and care provider's information and  
提供病患／看護的姓名和聯絡資訊

Write down conversation and report to supervisor  
通話內容，通知督導工作人員 記錄

# 違反保密規定的常見理由 (Common excuses)

- **Worry** 但是, 我擔心他／她 (病人)
- **Patient's request** 但是, 病人要求我做這的
- **Family's request** 但是, 這是家屬要求
- **Celebrity** 但是, 我找疾病資訊時, 讀到這位名人有這個疾病
- **Looking for my own medical records in other's computer** 但是, 我只是在查這個系統, 瞭解是否可以從另一個人的電腦進入我個人的醫療記錄

# 若是未遵守保護病人的隱私權

- 失去信任感
- 工作懲戒
- 法律責任 (民事或刑事訴訟)

# 若是未遵守保護病人的隱私權

- Fine 金錢上的損失
- Lost trust 失去信任感
- Suspension 工作懲戒
- Litigation 法律責任 (民事或刑事訴訟)

# HIPAA Compliance

## 健康保險流通與責任法案

- **Mandatory 強制！**
- **Civil money penalties 懲罰 不遵守**  
maximum fine 罰款最高可達\$25000 USD  
美金 per year (1年)
- **Criminal penalties 明知濫用私密**  
from \$50,000 up to one year  
imprisonment (1年) to \$250,000 美元罰款  
and 10 years imprisonment (10 年徒刑)



The Highest priority in all of HIPAA  
law is:

Patient Care and Safety

# Pay attention to what you say.

- WATCH what you say.
- WHERE you say it.
- WHO you say it to.

Talk quietly, do not use full name.

Make sure the person getting information has the authority to do so.

謹言慎行：說什麼，在何時說，何處說，對誰說，要合時宜。

# Examples

- Some one ask you about the other person's illness.
- Tell your family about .....
- Check your friend's or family member's lab results
- E-mail someone's health issue
- Tell other pt's issue in front of another pt
- Take chart home or put in car
- Leave chart on table without secure it...
- Share other's ss#



????

# Examples of violation

- A man with AIDS won an out-of-court settlement with a Michigan pharmacy in 1998. A pharmacy clerk told Stanley Grzadzinski's children that he had AIDS. ("Settlement in Privacy Suit Against Drug Store; Children Allegedly Learned of Dad's AIDS from Son of a Pharmacy Clerk," *Chicago Tribune*, January 9, 1998, p. 10)

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- In 1998, Longs Drugs in California settled a lawsuit filed by an HIV positive man. After a pharmacist inappropriately disclosed the man's condition to his ex-wife, the woman was able to use that information in a custody dispute. However, rather than pursue the suit against the pharmacy, the man chose to settle in order to avoid a court trial that could result in news coverage - and therefore further disclosure - of his illness. ("Longs Drugs Settles HIV Suit," *San Diego Union-Tribune*, September 10, 1998, p. A3)

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- Renee McIntosh is suing a San Francisco law firm that represents her employer, Safeway. McIntosh claims that the firm shared information - including a psychiatric evaluation - about her workers' compensation claim with a coworker. (K. Flaherty, "Litigation Privilege vs. Privacy Is Issue in Suit," *American Lawyer Media*, April 9, 1999, p. 2)

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- Hundreds of patient records were found in the parking lot outside Scripps Clinic in California. Information included diagnosis, credit card information and test results. The records appeared to be from multiple health care sites. ("Patient Privacy Dumped in Trash," *San Diego Union-Tribune*, May 18, 1998)

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- Intermountain Healthcare, a Utah-based health plan, recently took steps to recover patient medical files that were misplaced. IHC said that its Salt Lake Clinic had donated a file cabinet to Deseret Industries and did not know that some records and laboratory reports had accidentally slipped behind the drawers. (J. Constanzo, "IHC Sues over Misplaced Records," *The Deseret News*, December 2, 1998)



- 停, 聽, 看

- 己所不欲, 勿施於人

非禮勿言

非禮勿視

非禮勿聽



# On you tube

- **HIPAA song**

<http://www.youtube.com/watch?v=6wRDorQ73Ng&feature=related>

- **Protecting Electronic Health Information**

<http://www.youtube.com/watch?v=Czpa6rw16Yw&feature=related>

# HIPAA training Test

- <http://www.youtube.com/watch?v=hZD1XY9Gs3Q&feature=related>



## Resources

: U.S. Department of Health & Human Services

- <http://www.hhs.gov/ocr/privacy/hipaa/faq/index.html>
- <http://www.hhs.gov/ocr/privacy/>
- [http://www.ak-pa.org/practice/hipaa/\\_articles/cms\\_hipaa101.pdf](http://www.ak-pa.org/practice/hipaa/_articles/cms_hipaa101.pdf)
- <http://www.cms.hhs.gov/hipaa/hipaa2/default.asp>

感恩!

