

Health Insurance Portability and Accountability Act (HIPAA)

TCNW medical volunteer training

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Objectives (大綱)

- What is HIPAA ?
- Who are involved?
- What health information is protected?
- What are patient rights under HIPAA law?
- Penalty- when fail to follow it.

WHAT IS HIPAA?

- **HIPAA** is the federal Health Insurance Portability and Accountability Act of 1996.

HIPAA

- HIPAA law has been updated for the past several years
- 2009 HI TECH Act
- 2013 The Final Omnibus Rule

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- The primary goal of the law is to make it easier for people to *keep health insurance, protect the confidentiality and security of healthcare information* and help the healthcare industry *control administrative costs.*



https://www.youtube.com/watch?v=3-wV23_E4eQ

Your new rights under HIPAA. (2:47)

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- Portability allows individuals to carry their health insurance from one job to another so that they do not have a lapse in coverage. It also restricts health plans from requiring pre-existing conditions on individuals who switch from one health plan to another.

Privacy

- **HIPAA** provides for the protection of individually identifiable health information that is transmitted or maintained *in any form or medium*. The privacy rules affect the day-to-day business operations of *all organizations* that *provide medical care* and maintain personal health information.

Who must comply?

- **Health Care Providers:** Any provider of medical or other health Services that bills or is paid for healthcare in the normal course of business. Health care includes preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and counseling, services, assessment, or procedure with respect to the physical or mental condition, or functional status of an individual.

Who must comply? (Continue)

- **Health Care Clearinghouse:** Businesses that process or facilitate the processing of health information received from other businesses. It includes groups such as physician and hospital billing services.
- **Health Plans:** Individuals or group plans that provide or pay the cost of medical care and includes both Medicare and Medicaid programs.



What are included in PHI?

(protected health information)

PHI

- Names
- Dates relating to a patient , i.e. birthdates, dates of medical treatment, admission and discharge dates, and dates of death
- Telephone numbers, addresses (including city, county, or zip code) fax numbers and other contact information
- Social Security numbers
- Medical records numbers
- Photographs
- Finger and voice prints
- Any other unique identifying number

WHAT ARE A PATIENT'S RIGHTS UNDER HIPAA'S PRIVACY STANDARDS?

- Patients have a right to receive a notice of the privacy practices of any health care provider, health clearinghouse, or health plan.
- Patients have a right to see their PHI and get a copy.
- Patients have a right to request that changes be made to correct errors in their records or to add information that has been omitted.

WHAT ARE A PATIENT'S RIGHTS UNDER HIPAA'S PRIVACY STANDARDS? (continue)

- Patients have a right:
 1. to see a list of some of the disclosures that have been made of their PHI.
 2. to request special treatment to their PHI.
 3. to request confidential communications.
 4. to complain.

A health provider can disclose an individual's PHI without the patient's authorization if

1. *the disclosure deals with treatment, payment, operations, or*
2. *if the information is mandated by law.*

Otherwise, for most other uses, the patient will need to *authorize* the provider to make the disclosure.

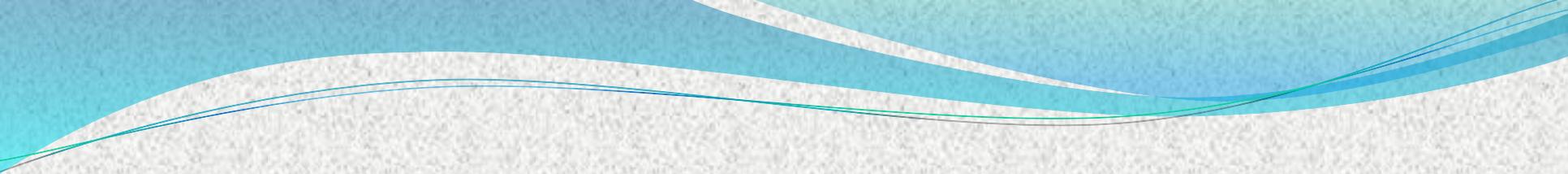


CONSENT FORM

What Can a Patient Do if He Feels His HIPAA Rights Have Been Violated?

A patient has the right to submit a complaint if he believes that the health provider has:

- Improperly used or disclosed their PHI
- Concerns about their HIPAA Privacy policies
- Concerns about the provider's compliance of its privacy policies.



How to transfer patient's
medical record?



<https://www.youtube.com/watch?v=SMUFa5amPKs>

Electronic health records: privacy and security. (1:55)

How-Electronic Security

- Use authorized secure email, never include any protected patient information in an email
 - Fax is acceptable alternative
- Make authorized copy or transfer of patient records, using encrypted data
- Never transmit a password-protected file and the password using the same transmission mechanism

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
- **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

Penalty - 懲戒

- Termination
- Demotion
- Lost of license
- Suspension 工作懲戒
- Fine 金錢上的損失
- Criminal Prosecution/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)

Pay attention to:

- WHAT we say.
- WHERE we say it.
- WHO we 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。

<https://www.youtube.com/watch?v=Uo-FQQetEzY>

HIPAA violations bring more than minimal fines. (2:15)

<https://www.youtube.com/watch?v=cULokCpbzQM>

HIPAA movie. (3:05) hipaa violation examples.



The Highest priority in all of
HIPAA law is:

Patient Care, Safety, and
privacy



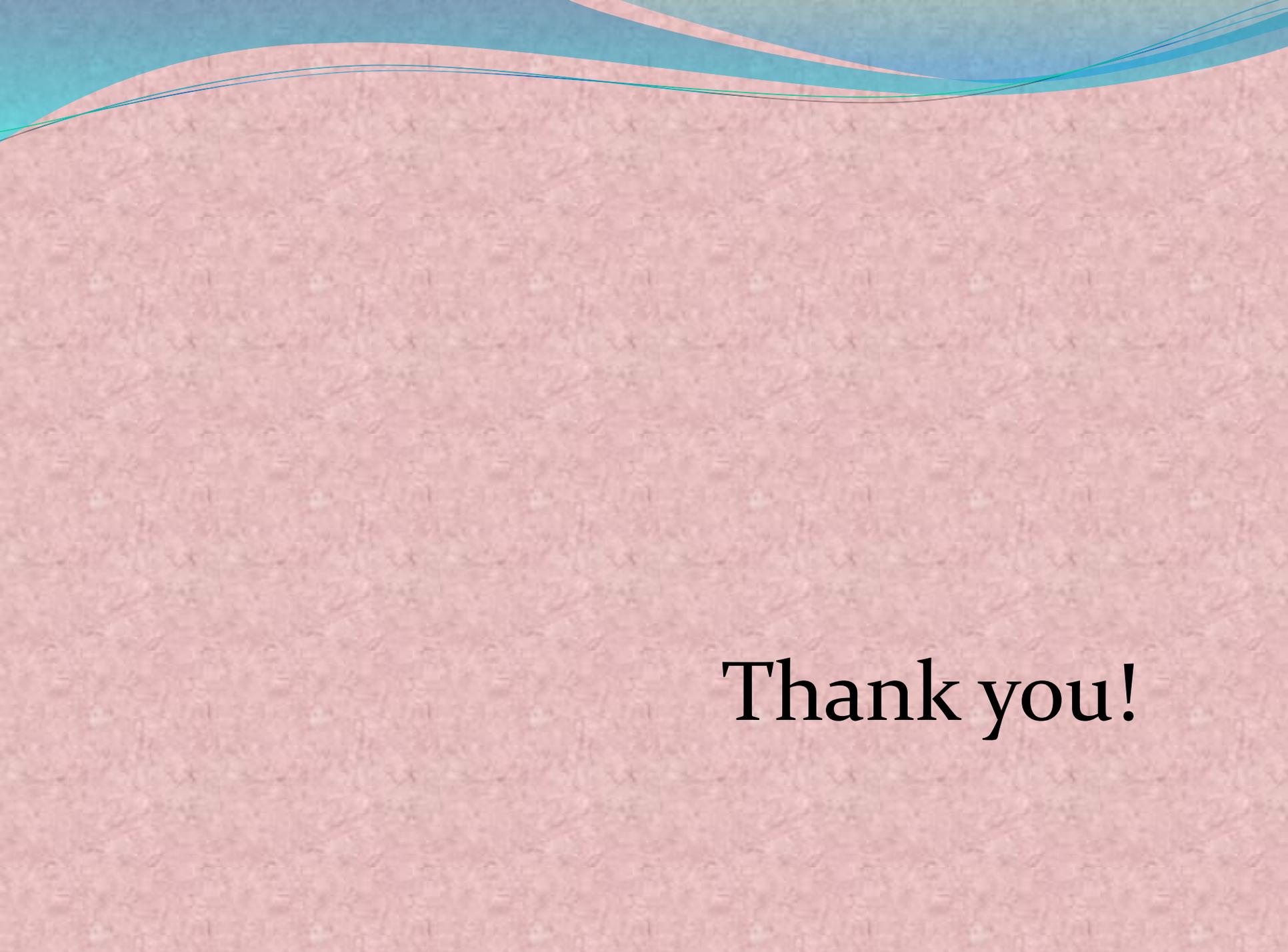
HIPAA basic review

- <https://www.youtube.com/watch?v=xDYqYnQ7K7Q>

4:30



- Question?



Thank you!