

Health Insurance Portability and Accountability Act (HIPAA)

TCNW medical volunteer training

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Objectives (大綱)

- What is HIPAA ?
 - Why - HIPAA ?
 - Who involves in HIPAA ?
 - How to do it ?
 - Penalty – not follow it.
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What is HIPAA?

HIPAA (Health Insurance Portability and Accountability Act of 1996)-- a Federal law.

- Title I – Health Care Access, Portability and Renewability
- Title II – Preventing Health Care Fraud and Abuse; Administrative Simplification; Medical Liability Reform

What's the purpose ?

- To protect patient's Privacy
(病人資訊的隱私權)
- Protect health and medical information
(病人健康及醫資訊的安全)
- Compliance with the Privacy Rule 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

受保護的病人醫療資料

(Protected Health Information: PHI)- 18 IDENTIFIERS

- Name
- Geographical subdivisions smaller than a state (住址)
- Dates (年齡, 生日, 出入院日期, except year)
- Phone numbers (電話號碼)
- Fax numbers
- Electronic mail addresses
- Social security number 社工號碼
- Occupation 職業性質及職場資料
財力資料
- Medical record 醫療資料(如病史, 不論是書面上, 電子傳遞或是口頭上的)
- Health Plan beneficiary numbers
- Account numbers
- Certificate/License numbers
- Vehicle identifiers
- Web Universal Resource Locators (URLs)
- Internet Protocol (IP) numbers
- Biometric identifiers
- photographic images(照片)
- all other unique identifying code

Protected PHI

受保護的病人醫療資料

- Medical records.
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

Who-誰需要遵守HIPAA

醫療保險. Health plans - 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

醫護人員. Health Care providers - Doctors (Western and Eastern), Clinics Psychologists, Dentists, Chiropractors , Nursing Homes, Pharmacies, etc.

有關機構 Clearinghouses and business associates -billing services and community health information systems, re-pricing companies, community health management information systems and "value added" networks and switches



So, what to do with patient's
information if need to be transfered?

同意書(CONSENT FORM)

- Purpose 目的
- Content 內容
- Responsibility 責任
- Signature and date 簽名及日期
- Protect patients and care providers
保障雙方

Health Care Providers' action

- Providers 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.

More How to Protect PHI

個人健康資料

- Basic rule: Need to know
 - Do not view any patient record unless it is required by your assigned job function
- Keep patient record away from anyone who is not authorized to access it
 - Do not share if you have any doubt
 - Disclosure to the patient's spouse MAY NOT be allowed
- 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

How-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要找的人
- 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

How to Protect 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

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

How-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
- **Fax**
- **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. 記錄通話內容，通知督導工作人員

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

- 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)

HIPPA 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.

- WATCH 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。

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 patient's issue in front of another ptatient
- Take chart home or put in car
- Leave chart on table without secure it...
- Share other's ss#



The Highest priority in all of
HIPAA law is:

Patient Care, Safety, and
privacy



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.akaipa.org/practice/hipaa/articles/cms_hipaa101.pdf
- <http://www.cms.hhs.gov/hipaa/hipaa2/default.asp>



Thank you!