CMC

CATHOLIC MEDICAL CENTER

HIPAA PRIVACY ORIENTATION

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HIPAA Privacy Basics

The Health Insurance Portability and Accountability Act (known as "HIPAA") requires us to keep patient information **private** and **confidential**.

- **All CMC employees, medical staff members, and other representatives are responsible for CMC's HIPAA compliance,** not just those in clinical roles.
- The fact that a person is or was a patient at CMC is something that they have the right to keep private and confidential, **and it is all of our obligations to do so.**
  - Many of us run into people we may know at the hospital and, as a natural instinct, want to ask them why they are here. However, their identity as a CMC patient and the reason for their visit are things they have the right to keep confidential… and YOU have a duty to honor and protect that right.
- If you are in a role that requires you to have access to electronic or paper medical records, it is important to understand that **it is never acceptable to look at a patient's record unless you are directly involved in the patient's care or need the information to perform your job here.**
- The Compliance Department is your resource for day-to-day HIPAA questions, concerns, and any breaches. The Health Information Management Department is also a helpful resource.

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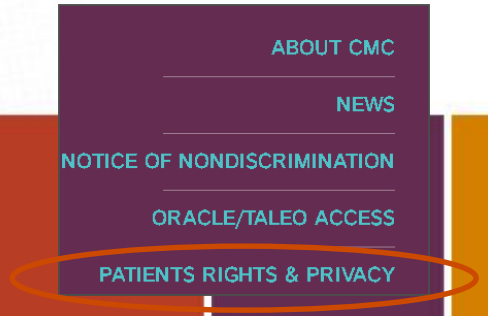
HIPAA Basics (continued)

- ✗ It is a common misconception that HIPAA restricts us from *ever* using or sharing patient information without patient consent.
- ✓ In fact, HIPAA **allows** us to use and share patient information for many reasons, including those for (1) **treatment**, (2) **payment**, **and** (3) **operational purposes**.
- ✓ Most of such use is subject to the **minimum necessary standard**, which requires all of us to use or disclose only the minimal amount of patient information actually needed to accomplish a task or activity.
- ✓ Others uses and disclosures of patient information generally require patient authorization on a case by case basis, but there are still some other exceptions such:
  - ✓ Emergencies
  - ✓ Reports of abuse
  - ✓ Public health oversight activities
  - ✓ Certain disclosures to law enforcement and other officials
- ✓ CMC has numerous HIPAA policies that set forth the details of the exceptions and what amount of patient information can be released pursuant to the exceptions. These policies are located in PolicyStat.

CMC's HIPAA Notice of Privacy Practices

- All new patients receive a copy of CMC's Notice of HIPAA Privacy Practices at registration, which informs them how CMC will use their personal health information (often referred to as, "PHI").
- It is not a consent document, but rather a fantastic resource for patients (and YOU!) to learn how their PHI will and will not be used when they become patients at CMC.
- As a CMC employee, medical staff member, or other representative, it is important for YOU to review CMC's Notice of Privacy Practices. A paper copy was provided in your orientation binder, and an electronic copy is available to everyone on CMC's website at: https://www.catholicmedicalcenter.org/patients-visitors/patient-rights-and-privacy



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NOTICE OF HIPAA PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

Understanding Your Health Record/Information

Each time you visit Catholic Medical Center, a department of Catholic Medical Center, or one of its physicians practices (hereinafter "CMC"), a record of your visit is made. Typically, this record contains your symptoms, examination and test results, diagnoses, treatment, and a plan for future care or treatment. This information, often referred to as your health or medical record, serves as a:

- Basis for planning your care and treatment;
- Means of communication among the many health professionals who contribute to your care;
- Legal document describing the care you received;
- Means by which you or a third-party payer can verify that services billed were actually provided;
- A tool in educating health professionals and a source of data for medical research;
- A source of information for public health officials charged with improving the health of the nation;
- A source of data for facility planning and marketing; and,
- A tool with which we can assess and continually work to improve the care we render and the outcomes we achieve.

Understanding what is in your record and how your health information is used helps you to ensure its accuracy; better understand who, what, when, where, and why others may access your health information; and, make more informed decisions when authorizing disclosure to others.

Your Health Information Rights

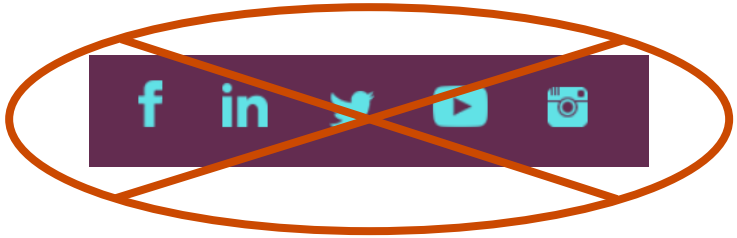
Although your health record is the physical property of CMC as the facility that compiled it, the information contained within it belongs to you. You have the right to:

- Obtain a paper copy of this Notice of HIPAA Privacy Practices upon request;
- Inspect and obtain a copy your health record, including a readily producible electronic copy, as provided for in federal regulations (45 C.F.R. §164.524);
- Request a restriction on certain uses and disclosures of your information as provided by federal regulations (45 C.F.R. §164.522). CMC is not required to agree to a requested restriction unless the request is to restrict health information to a health plan when you have paid for such applicable services out of your pocket in full;
- Request an amendment to your health record by submitting information in writing about how the information is inaccurate or incomplete. As provided in federal regulations (45 C.F.R. §164.526), CMC is not required to agree to certain requested amendments, such as where the information is accurate and complete;
- Obtain an accounting of disclosures of your health information as provided in federal regulations (45 C.F.R. §164.528);
- Request communications of your health information by alternative means or at alternative locations; and
- Revoke your authorization to use or disclose health information except to the extent that action has already been taken.

You can exercise these rights by contacting CMC's Health Information Management Department at (603) 663-6518 or CMC's HIPAA Privacy Officer at (603) 663-6651.

Caution: HIPAA & Technology/Social Media

- With advances in technology that continue at a rapid pace, it is important to be mindful of the different ways that patient information can, but shouldn't necessarily be, transmitted on a daily basis, including but not limited to:
  - Email
  - Texting
  - Social media
  - Storage on thumb drives



- No matter how short a communication is or how small in scope the amount of patient information that is included in an email, text, post, tweet, document, presentation, etc., it is all still patient information that is subject to HIPAA protections.
- Patient information should only be included in emails, texts, and thumb drives as approved by CMC, including CMC approved devices and protections such as encryption.
- **It is never acceptable to share patient information or pictures via social media**, including but not limited to Facebook, Twitter, and Instagram. Descriptive treatment information, even without a patient's name, presents a potential HIPAA violation and breach of your privacy and performance obligations as a CMC employee, medical staff member, or other representative .

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Patient Rights Under HIPAA

In addition to privacy rights, HIPAA grants patients certain other rights including:

- The right to **inspect and obtain a copy of their medical record**.
- The right to ***request*** **restrictions** on certain uses and disclosures of their health information.
- The right to ***request*** **amendments** to their medical record (to the extent it is inaccurate or incomplete).
- The right to **obtain an accounting of disclosures** of their health information.
- The right to ***request*** **communications** of their health information **by alternative means** or at alternative locations.
- The right to **revoke authorization** to use or disclose their health information (to the extent that action has not already been taken).
- The right to **file a complaint with the Office for Civil Rights**, the branch of the government that administers and enforces HIPAA.

While CMC is required to uphold these rights, CMC is not always required to agree to all of the above requests. Please contact the HIM Department or Compliance Department for assistance. You can also refer to policies on many of the above topics. They are located in PolicyStat.

HIPAA Breach Notification

- Whenever there is an actual or potential HIPAA violation – no matter whether it relates to 1 patient or 100 patients – HIPAA requires CMC to perform a risk assessment to determine whether the patient information at issue has been compromised.
- **Patient information that has been compromised constitutes a HIPAA breach.**
- All HIPAA breaches must be reported to the:
  1. Affected patient(s),
  2. Government, and
  3. Media (for large scale breaches only).
- In order for CMC to carry out the required risk assessment and comply with all reporting obligations, **it is critical that YOU internally report all actual and potential HIPAA violations.**
- To internally report HIPAA issues, please:
  - Contact CMC's HIPAA Privacy Officer, or
  - File a **2BSafe** incident report.
    - There is a specific "Event Type" for "HIPAA Incidents" that prompts you for applicable information.

Consequences of HIPAA Breaches

- Patient privacy and HIPAA compliance are of utmost important to CMC.
- They contribute to our patients' care and experience. A patient can receive world class care at CMC, but then have their experienced tainted or ruined if they feel their privacy was violated.

- Potential consequences of HIPAA violations and breaches of CMC's privacy and confidentiality policies include:
  - **Erosion of patient trust** and loss of confidence in CMC and CMC providers.
  - Significant **regulatory fines** and possible lawsuits.
  - HR and/or Medical Staff **disciplinary action, up to and including termination**.

- Please keep in mind that **all of CMC's electronic systems with patient information are monitored on a random basis and for special cause.** Employees and medical staff members who are identified as accessing, using, and/or disclosing patient information outside of the scope of their job can be disciplined, up to and including termination.

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HIPAA Scenario #1

A practice manager approaches a nurse at the nurse's station. She says, "My brother's girlfriend was rushed here, and now her parents won't let him in to visit and won't tell him what's going on. Can you look up her diagnosis and let me know what he's dealing with here?" The nurse replies, "I'm sorry, but you know I can't do that; it's against policy."

Takeaways:

- The nurse is right! The practice manager's request was inappropriate.
- **It is not acceptable to look at any patient's chart unless you are involved in their care or need to do so for your job.**
- You are NEVER allowed to look at your own medical record, a family member's medical record, or a friend's medical record. Even if you have their permission, you still should not use your CMC work access. You should use the patient portal or contact CMC's HIM Department for a copy of the records, just like any other patient or family member would need to do.
- CMC's IT and Compliance Departments audit our systems to verify that employees and medical staff members are not accessing charts inappropriately.

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HIPAA Scenario #2

A dietician leaves for the day but later calls a coworker and says, "Can you do me a small favor? Mrs. Smith's physician called me earlier and asked me to change her diet to low sodium… oh and sign the change for him. I forgot, so can you make that change in her chart, time it for 4:00 p.m., and sign the physician's name? I'd really appreciate it! I owe you one!"

Takeaways:

- **No staff member, manager, or physician should ever ask you to document any information for them, or sign an order for them, nor should you ask anyone to do the same for you.**
- Both the physician and dietician were wrong to make these requests.
- All users have unique user IDs with custom access rights. If you are ever asked to do something inappropriate like this, speak to your Manager immediately.
- If your Manager is the problem, or you are otherwise uncomfortable approaching your Manager, **the Compliance Department can help and would rather serve as a resource to offer proactive guidance, than have to work with HR regarding disciplinary action!**

HIPAA Scenario #3

A housekeeper is finishing up her work for the day on a unit, and notices that a patient in one of the rooms is the daughter of her best friend. Worried that the daughter has addiction issues and may not have told her mom that she was in the hospital, the housekeeper takes a picture of her while she is sleeping and texts it to her best friend, the patient's mom. She knows the mom would want to help.

Takeaways:

- It was WRONG of the housekeeper to first take a picture of a patient and second to notify her best friend in any way about the patient's admission to CMC. She will likely be terminated, despite her good intentions.
- **Patients have the right to privacy, including the fact that they are a patient at CMC.** The patient here had the right not to inform her mom or any other family members or friends that she was receiving treatment at CMC.
- **It is never acceptable to photograph a patient.**
- A serious breach of privacy like this one can also subject CMC to significant fines and penalties.

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HIPAA Scenario #4

A new coder at CMC is listening to the radio on her way into work. She hears that a pregnant celebrity was visiting NH and may have had to deliver her baby urgently early due to complications. Curious, she looks up the patient and confirms she did deliver at CMC early that morning. That night, she posts the following on Facebook: "Confirmed that a special someone delivered a healthy baby boy at CMC today. How exciting! Congratulations to all!

Takeaways:

- **It is never appropriate to look up patient information out of curiosity.**
- The coder violated this patient's privacy by doing so, and then further violated HIPAA and CMC policies by posting anything about this patient on social media.
- Even though the coder did not mention the patient by name, given the circumstances, there was enough information for the coder's friends on Facebook to reasonably guess who the patient was.
- **Be extra careful not to put patient information on social media!** Even a vague post without patient names might violate CMC's privacy, confidentiality, and social media policies – and subject you to disciplinary action, up to and including termination.