The HIPAA Challenge: How to protect patient privacy while providing necessary information to individuals and entities involved in the patient’s care that need patient information to perform necessary services. The patient has the right to privacy of health care information and the right to control who has access to it.

Health care organizations, like Summit Rehab & Associates, Inc. must provide maximum privacy to each patient’s health information without compromising either the availability or the quality of medical care.

HIPAA minimum standards for privacy:

1) Giving patient access and control over their health information

2) Protecting against the use and release of health information and holds violators accountable.

3) Establishing uniform safeguards for the transmission of personal health information to assure privacy and security.

HIPAA addresses:

- What is written in the medical record
- Health information that is faxed or emailed
- Voice mail messages that are left with co-workers
- Conversations in public places

What Type of Information is Protected?
Unless otherwise required by law, all communication about health care matters between the patient and health care team is protected. (i.e.: case conferences). Records pertaining to conversations or events involving the patient are also protected.
Confidentiality

As a home health care provider, you are obliged to maintain confidentiality of:

- Name
- Address
- Social Security Number
- Medicare number
- Date of Birth
- Telephone number
- Occupation
- Employer
- And more…

Behaviors That Should be Monitored for HIPPA Compliance

- Careless or absent-minded verbal communication
- Patient information should never be shared with unauthorized persons.
- Clinicians who take patient information into their car or home should ensure it is secure and unavailable to family, acquaintances or strangers.
- Shred patient – sensitive information or discard it in approved and locked containers that have the documents professionally destroyed.

WHEN SHARING INFORMATION IS APPROPRIATE

HIPPA allows the use and disclosure of protected health information for the purpose of treatment, payment and health care operations without the patient’s prior written consent or authorization.

Examples when it would be appropriate to release health information:

- The Customer Service Center can receive and process information about a referral from a hospital discharge planner.
- A physical therapist can update an outpatient center about a patient he has treated but who will now be seen by the outpatient center.
- A social worker can coordinate a referral with a community service agency on a patient’s behalf.
Clinicians need to be sure they are disclosing just the right amount of information in the correct way. There are two important principles:

1. **Need to know**
   Identify which individuals need access to specific information.

2. **Minimum necessary**
   Determines how much information should be shared to the minimum amount to accomplish the purpose.

**Verbal Communication**

- Before discussing a patient, think about who might hear you.
- In a patient’s home, never talk about another patient, even if it is with another staff member.

**Cell phones/ Telephone**

- Share only the information necessary.
- Be cautious if you reach an answering machine or voice mail. Don’t leave patient – specific information.
- When receiving a call, find out who is calling, the relationship to the patient and what information is necessary.

**Exercise**

1. You are visiting a patient and her minister is visiting her.  
   *No information may be given; no health care relationship exists.*

2. You are helping a patient set up Meals on Wheels.  
   *OK to give limited information to allow needed health care.*

3. A neighbor sees you entering a patient’s home and asks who you are and what you are doing.  
   *No information may be given; no health care relationship exists.*
Summit Rehab & Associates, Inc. View

Hear no patient information
…unless it is necessary for your job

See no patient information
…unless it is necessary for your job
…access only that which is minimally necessary

Speak no patient information
…unless the patient has given consent

**HIPPA PENALTIES AND REPORTING**

<table>
<thead>
<tr>
<th>Violation</th>
<th>Fine</th>
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</thead>
<tbody>
<tr>
<td>Single violation of provision</td>
<td>$100 fine</td>
</tr>
<tr>
<td>Multiple violation of an identical requirement during a single year</td>
<td>Up to $25,000 fine</td>
</tr>
<tr>
<td>Wrongful disclosure of protected health information</td>
<td>1 year in prison and a fine of $50,000</td>
</tr>
<tr>
<td>Wrongful disclosure of protected health information under false pretenses</td>
<td>5 years in prison and a fine of $100,000</td>
</tr>
<tr>
<td>Wrongful disclosure of protected health information with the intent to</td>
<td>10 years in prison and a fine of</td>
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<tr>
<td>sell, transfer, or use for commercial advantage, personal gain, or</td>
<td>$250,000</td>
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<tr>
<td>malicious harm</td>
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As a company, Summit Rehab & Associates, Inc. is not concerned so much with how someone reports a violation, but that the employee *does* report the problem.
The recommended first step is for employees to go through a supervisor and report up through the chain of command. There may be circumstances when an employee feels they cannot follow this step. It could be that the supervisor may be involved in the violation, or someone just wants to be anonymous. These reports are fine and encouraged so that the information gets accurately reported and actions can be taken. Employees may report privacy problems, concerns or ask questions by contacting the office.
<table>
<thead>
<tr>
<th></th>
<th>HIPAA TEST</th>
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<tbody>
<tr>
<td>1</td>
<td>HIPAA refers to the law that requires everyone to provide medical information to anyone requesting it.</td>
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<td>F</td>
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<tr>
<td>2</td>
<td>A phone number, social security number, or address in a home care patient record is not considered to be Protected Health Information.</td>
<td>T</td>
<td>F</td>
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<tr>
<td>3</td>
<td>A patient being seen through Summit Rehab &amp; Associates, Inc. is admitted to the hospital. You receive a call from the hospital requesting the name of the patient’s son, who is listed as the next of kin. The patient can’t remember his son’s address and telephone number and the hospital needs to contact the son for consent to treat the patient. HIPAA allows you to disclose the information to the hospital.</td>
<td>T</td>
<td>F</td>
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<td>4</td>
<td>“Minimum” necessary means that minimum amount of protected health information need in order to do my job.</td>
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<td>F</td>
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<td>5</td>
<td>A neighbor sees you entering a patient’s home and asks who you are and what you are doing. You can tell them who you are and why you are there so they don’t worry.</td>
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<td>F</td>
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<tr>
<td>6</td>
<td>HIPAA protects faxed, verbal, and written health information.</td>
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<td>F</td>
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<tr>
<td>7</td>
<td>The first step to report a HIPAA violation to let the patient know.</td>
<td>T</td>
<td>F</td>
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<tr>
<td>8</td>
<td>There is no penalty for a single violation of HIPAA privacy information.</td>
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<td>F</td>
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<tr>
<td>9</td>
<td>HIPAA allows the use and disclosure of protected health information for the purpose of <em>treatment, payment and health care operations</em> without the patient’s prior written consent or authorization.</td>
<td>T</td>
<td>F</td>
</tr>
<tr>
<td>10</td>
<td>There are only fines and no jail time for HIPAA violations.</td>
<td>T</td>
<td>F</td>
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__________________________  _______________  ___________________________
Sign  Date
**OSHA’s goal:** So that employers and employees know about work hazards and how to protect themselves.

### Blood-borne Pathogens

Blood-borne pathogens are disease-causing organisms that are carried in the human body. Pathogens may be present in:

- Blood
- Blood products
- Cerebrospinal fluid

Diseases spread by blood-borne pathogens include:

- Hepatitis B (HBV)*
- Hepatitis C (HBC)*
- Human immunodeficiency virus (HIV) that causes acquired immune deficiency syndrome (AIDS)*

* The above are the most hazardous to health care workers.

### Universal Precautions

- Because all persons are potentially infectious, take necessary precautions as if they were infectious.
- Treat all body fluids as infectious, regardless of type or source.
- Handle all used needles and sharps as if they were infectious.

**All contaminated substances should be put into a biohazard bag**

The biohazard sign on containers designates that contents are contaminated with blood or other potentially infectious material.
All clinicians should wash hands:

- Before and after patient care.
- After any contact with contaminated objects
- Before eating, drinking, handling or serving food.

## Exposure to Blood borne Pathogens

An exposure incident occurs if you come into contact with potentially infectious body fluids that can enter the bloodstream through:

- Chapped or broken skin
- Open wounds
- Mucous membranes
- A needle stick or puncture with a contaminated instrument or broken glass

The exposed area must be cleaned immediately before taking any additional steps like notifying your supervisor.

**Report the following incidents to your supervisor:**

- Needle sticks or other cuts or punctures.
- Splashing of blood or other body fluids into your mouth, eyes or nose.
- Direct or prolonged contact with a large amount of blood or other potentially infectious fluid.

## Non-Blood-borne Diseases

**Tuberculosis: How is TB spread?**

TB germs are spread through the air while coughing, sneezing, speaking, yelling, laughing or singing. Droplets from the lungs that contain the germs are released into the air. The tiny particles that remain are called *droplet nuclei*. These droplets are small and light and can float in the air for hours. For this reason and TB infection most easily
spreads in enclosed spaces. When another person inhales the infected droplets, the germs enter the lungs.

Medical evaluation confirms the presence of active TB including:

- A positive PPD skin test

The Mantoux tuberculin skin test is the preferred method of skin testing. A trained health care worker examines the site 48-72 hours after infection for induction.

Summit Rehab & Associates, Inc. requires all employees who have direct contact with patients to be screened for TB with the skin test upon hire and then annually. Newly hired employees who have a documented history of a positive skin test are required to submit either

1. proof of a negative chest x-ray or

2. a physician’s statement attesting to negative signs and symptoms of TB.

Disposal of Sharps

- Use a puncture and leak-proof sharps container, preferably red in color and labeled with a biohazard symbol.

- Store the sharps container in a safe place.

- Never fill a sharps container more than two-thirds full.

- When disposing of a used syringe, do not recap it. Never break the needles from the syringe. Dispose of it in one piece.

**Infection Control Related to the Home Care Visit**

There are many infection control standards that are specific to homecare, because the equipment, supplies and circumstances may be different than in a health care facility.

**Guidelines:**

- Never reuse or rewash disposable gloves after use; put them in a biohazard bag.

- Do not eat, smoke, apply cosmetics, or handle contact lenses where infection exposure may occur.

- Wash hands before and after each visit.
➢ Carry a supply of barriers, like waterproof cloths, plastic bags or newspapers, for you to place your bag upon during the home visit if the patient does not have a clean, hard surface to use.

**Actions that should be take for an exposure incident:**

❖ For skin exposure, immediately wash the affected area with soap and water.

❖ For exposure to mucous membranes, irrigate the area vigorously with large amounts of water for at least five minutes.

❖ Call Summit Rehab & Associates, Inc. to report the incident.

**Report the following incidents to your supervisor:**

❖ Needle sticks or other cuts or punctures.

❖ Splashing of blood or other body fluids into your mouth, eyes or nose.

❖ Direct or prolonged contact with a large amount of blood or other potentially infectious fluid.

An incident report should be completed. Worker’s compensation will be notified and follow-up medical care will be arranged for the employee. Failure to report an incident could keep you from receiving important follow-up medical attention and prevent you from collecting compensation if you did contract an illness from the incident.

Once your report is made, follow up testing and treatment will also be required. If you have been exposed to HBC but have never been vaccinated, your follow up treatment should include a Hepatitis B vaccination as soon as possible after the incident with follow up injections in one month and again six months later.

If you’ve been exposed to HIV, follow up will include testing and recommendation on medications that may be effective in treating your exposure.
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<td>Replace disposable single use gloves after each use. Never wash or decontaminate them for reuse.</td>
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<td>Do not eat, drink, smoke, apply cosmetics, or handle contact lenses in work areas where exposure may occur.</td>
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<td>The biohazard sign on containers designates that contents are contaminated with blood or other potentially infectious material.</td>
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<tr>
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<td>Of all the blood borne pathogens, Hepatitis B, or Hepatitis C, and HIV are the most hazardous to health care workers.</td>
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<tr>
<td>5</td>
<td>You can be exposed to blood borne pathogens if a contaminated sharp punctures your skin. Sharps include needles or broken glass.</td>
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<tr>
<td>6</td>
<td>When a person infected with TB sneezes, coughs, or speaks, tiny microorganisms are released into the air. If you inhale the contaminated air, you may also become infected with TB.</td>
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<tr>
<td>7</td>
<td>The only way to know for certain if you have been infected with TB is to be tested by a medical professional. One test commonly used to detect TB is the PPD skin test.</td>
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<td>8</td>
<td>The basic goal of OSHA is to be sure the employers and employees know about work hazards and how to protect themselves.</td>
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<td>If you are exposed to blood borne pathogens, finish your assignment then call the office.</td>
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