Learning Objectives:

- The basics of HIPAA
- What confidentiality means and why it is important
- Practical tips to ensure privacy

- The HIPAA Privacy Rule provides federal protections for personal health information held by covered entities and gives clients an array of rights with respect to that information. At the same time, the Privacy Rule is balanced so that it permits the disclosure of personal health information needed for client care and other important purposes.
- The Security Rule specifies a series of administrative, physical, and technical safeguards for covered entities to use to assure the confidentiality, integrity, and availability of electronic protected health information.
- Your employer should explain how these regulations apply to you and your work.

HIPAA- Health Insurance Portability and Accountability Act

Most people believe that their medical and other health information is private and should be protected, and they want to know who has this information. The Privacy Rule, a Federal law, gives client’s rights over their health information and sets rules and limits on who can look at and receive their health information. The Privacy Rule applies to all forms of individuals’ protected health information, whether electronic, written, or oral (spoken). The Security Rule, a Federal law that protects health information in electronic form, requires those covered by HIPAA (covered entities) to ensure that electronic protected health information is secure. The HIPAA Privacy Rule provides federal protections for personal health information and protects a person’s right to that information via the Office of Civil Rights (OCR). Anyone can file a health information privacy or security complaint. The website to learn more is -www.hhs.gov/ocr/privacy/index.html

Key Points with HIPAA and Confidentiality:

HIPAA laws and practices have changed over the years, as new situations and technologies emerge. Agencies must show efforts of privacy protections and how a breach would be handled. It is imperative that you know how to handle confidential information to protect yourself, your client, and your agency. Never take information regarding another client into your current client’s home. Even if you feel this information is secure in your bag or notebook, others can still have access to it when you are not looking or busy in the home.

As an in-home aide, maintaining confidentiality means that the information that you are entitled to about your client is privileged information and should not be shared with anyone other than members of your health care team involved in the client’s care and your supervisor. Never have your family or friends take you to your client’s home. If you do not have transportation, then discuss this matter with your supervisor. Never store your client’s phone numbers in your cell phone. If the cell phone is lost, so is identifiable information. Talk to your agency regarding protections on work cell phones.

- Never discuss your clients with your friends, family, church members, etc., even in general conversation, breaches of confidentiality may happen.
- Never give out your client’s phone number to friends or family. This is also a breach of confidentiality. If your family needs to reach you, then they may contact your office and your supervisor will notify you.
- If someone is found to have knowingly breached confidentiality or who did so for financial gain, they could face very serious charges.
- Remember-sharing pictures or selfies from your client’s homes, with identifiable information in the picture is a breach of confidentiality.
Security Standard- Electronic:

The Security Standards for the Protection of Electronic Protected Health Information (the Security Rule) establish a national set of security standards for protecting certain health information that is held or transferred in electronic form. The Security Rule operationalizes the protections contained in the Privacy Rule by addressing the technical and non-technical safeguards that organizations called “covered entities” must put in place to secure individuals’ “electronic protected health information” (e-PHI). Within HHS, the Office for Civil Rights (OCR) has responsibility for enforcing the Privacy and Security Rules with voluntary compliance activities and civil money penalties.

Discussing Your Clients:

- Do not assume that it is okay for you to discuss your client’s care with their other family members. There could be complex family dynamics of which you are not aware.
- Without consent, no part of your client’s care should be discussed with family. Ask your client if you have their permission to discuss their care. Inform your supervisor if you have a request from the client or family to do so.

You do not have to say a client’s name to disclose personal information – if you live in a small community and you discuss your client’s health information, the listener might be able to figure out who you are talking about based on other information you have provided. Do not ever give personal, identifiable information to anyone not involved in your client’s care. You are to abide by privacy standards even after the time you are no longer employed with your agency.

Caution!! Do not share client information on social media! (Facebook, Twitter, Instagram, Snapchat, other). Be sure to know your agency policies.

According to an article from the North Carolina Board of Nursing fall of 2013, many institutions now have policies such as:

- Do not “friend” clients
- Do not accept “friend requests” from clients or their family members
- Never share any client information by Facebook or other social media

Sharing pictures or selfies from your client’s homes, with identifiable information in the picture is another way to breach confidentiality.

We are all responsible for maintaining client privacy and confidentiality. There are punishments that have been established for those who violate this law.

- If someone is found to have knowingly breached confidentiality or who did so for financial gain, they could face very serious charges along with fines and jail time.
- Violations can be considered criminal or civil offenses.
- Even an accidental breach of confidentiality can result in fines and may compromise your status with your employer. Depending on the severity of your action(s), your employer may take disciplinary measures which could lead to termination.
- Authorities could also get involved, which could lead to hefty fines, probation, and possible jail time.
- In most cases, HIPAA violations are not malicious in their intent.
- Inadvertently violating confidential health information may stem from myths that a worker believes.

For example:

- The mistaken belief that the person you are sharing information with cannot pass along that information (e.g. forwarding an email or text).
- The mistaken belief that once you delete something from the internet, it no longer exists. In reality, it can ALWAYS be retrieved. This includes pictures on Facebook and posts on Twitter.
- The mistaken belief that as long as you leave out their name, you can talk about clients to friends and others. ANY information could lead them back to the person and be a breach. (example- posting on Facebook “my client was the cutest little 70 year old lady who lives in my neighborhood”).
- The mistaken belief that any family member can consent to you sharing the client’s information, including posting a picture or discussing their case online. If the client is of sound mind, and no legal papers are in place, the client is the only person to give you consents.

Other Key Points:

- Never leave client care information where others could possibly see (including in your home). This includes any type of demographic information containing name, address, phone number, social security number, medical diagnosis, etc.; This also includes your care plan and flow sheets documenting care.

⇒ It is imperative that you know how to handle confidential information to protect yourself, your client, and your agency.

- Using location-based cell phone features or apps that friends and/or family have access to and can see your exact location is a breach of confidentiality.
- Never video your client or anything related to your client.
- Know your agency policy for social networking or internet usage while on company time, including iPhones or smart phones.

In-Home Aides Partners in Quality Care is a monthly newsletter published for In-Home aide’s © Copyright AHHC 2018 - May be reproduced for In-Home aides. Kathie Smith, BSN, RN: VP of State Relations, Home and Community Based Care, AHHC; Editor. Resources- US DHHS Office of Civil Rights; February 2012 AHHC Caring Connection- HIPAA, What In-Home Aides need to know. North Carolina Board of Nursing Fall 2013; Social Networking and Nurses: The Aide’s role in confidentiality and HIPAA March 9, 2017 AHHC Caring Connection webinar, Michelle White, MSN, RN. https://www.hhs.gov/hipaa/for-professionals/security/laws-regulations/index.html- accessed 10/26/18.
Circle True or False

1. The HIPAA privacy rule provides federal protections for personal health information held by covered entities, such as a home care agency, and gives clients rights with respect to that information.

True False

2. e-PHI refers to erasable protected health information.

True False

3. It can be a breach of confidentiality to discuss your clients with church members in general conversation.

True False

4. You would have to say a client’s name to disclose personal information.

True False

5. Never leave client care information where others could possibly see the information, including your home.

True False

6. The HIPAA privacy rule is balanced so that it permits the disclosure of personal health information needed for client care and other important purposes.

True False

7. Using location based cell phone features or apps that friends and/or family have access to and can see your exact location is a breach of confidentiality.

True False

8. It is imperative that you know how to handle confidential information to protect yourself, your client, and your agency.

True False

9. Once you delete something from the internet, it no longer exists.

True False

10. Do not assume that it is okay to discuss your client’s care with their family members.

True False

Thought Reflection- HIPAA plays a major role in regard to clients, communication, and confidentiality. Why do you think HIPAA rules are important?
1. The HIPAA privacy rule provides federal protections for personal health information held by covered entities, such as a home care agency, and gives clients rights with respect to that information.

True

2. e PHI refers to erasable protected health information.

False

3. It can be a breach of confidentiality to discuss your clients with church members in general conversation.

True

4. You would have to say a client’s name to disclose personal information.

False

5. Never leave client care information where others could possibly see the information, including your home.

True

6. The HIPAA privacy rule is balanced so that is permits the disclosure of personal health information needed for client care and other important purposes.

True

7. Using location based cell phone features or apps that friends and/or family have access to and can see your exact location is a breach of confidentiality.

True

8. It is imperative that you know how to handle confidential information to protect yourself, your client, and your agency.

True

9. Once you delete something from the internet, it no longer exists.

False

10. Do not assume that it is okay to discuss your client’s care with their family members.

True
Certificate of Completion

Name: __________________________________________

Agency: __________________________________________

The above named individual has successfully completed a one hour educational activity that includes: 1. Review of Objectives; 2. Reading of educational material from the Partners in Care Newsletter; and, 3. Satisfactory completion of a test on an educational subject entitled:

**HIPAA/Confidentiality**

Completion Date: ______

* Partners in Care is sponsored by the Association for Home & Hospice Care of North Carolina

Verified by:

* Agency Supervisor

_____________________________________________________

* please file in the aide’s personnel file