

# HIPAA

Health Insurance  
Portability and  
Accountability Act of 1996

## HIPAA – What is the law about?

- Congress wrote law to be enacted for August 1996. The final modifications were done by April 2003.
- Title I – Health insurance reform
- Title II – Administration simplification

## HIPAA - Title I

- Major goal is to assure that individuals' health information is properly protected.
- A broad law that covers many issues.
- Allows people to move their health insurance with them as they change jobs.

## HIPAA – Title II

- Governs how information is shared with other healthcare workers.
- Governs computer sharing between patient care givers and insurance companies.

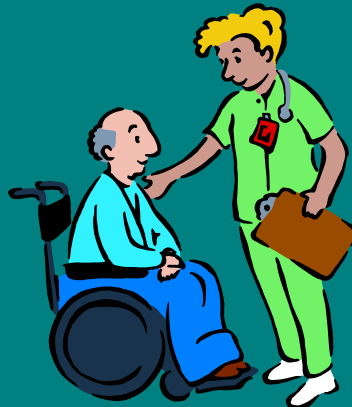
## Who is covered by HIPAA?

- Individual and group plans that pay the cost of medical care:
  - Health plans
    - MediCal
  - Dental plans
    - Long-term Care
  - Vision plans
  - Prescriptions
  - HMO's
  - Medicare



## HIPAA coverage, cont.

- Health care providers:
  - Anyone who provides care for patients
  - Anyone who electronically transmits health information in connection with certain transactions.



## HIPAA cont

- Health care clearing houses

- Covers when ever anyone discloses an individual' s identifiable health information.



## What information needs to be Protected?

- Any “Individually identifiable health information”
  - Demographic data - address, phone number
  - Social security number, birth date, etc.
  - Medical record numbers, Health plan numbers or Account numbers
  - Certificates and license numbers
  - Photographs

## WHAT NEEDS PROTECTING?

- Past, present or future physical and/or mental health or condition.
- Provision of health care to the person
- Future payment schedules
- Voice prints, finger prints

## How does it benefit healthcare providers?

- Lowers cost of administration transactions
- Paves the way for cost-effective, uniform, fair and confidential health information practices.
- Paves the way for standards to be set on how information is shared.

## Who can have access to the information?

- The patient
- The patient's representative – with written permission
- Researchers without identifying data
- Consultations between healthcare providers by referral
- Those who pay the bills – insurance companies.
- Care managers & care coordinators

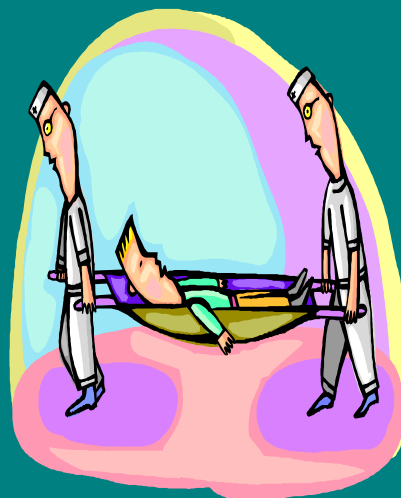
## What are the consequences?

- You violate the HIPAA policy ??
  - Civil penalties:
    - fines up to \$100 for each violation up to a total of \$25,000.
  - Criminal penalties:
    - Jail time up to 10 years and a fine of \$250,000.



## Who is to know, even without the patient's permission?

- Public Health  
Infectious diseases – TB, Hepatitis, HIV positive, Ebola fever, etc. Dog bites, etc.
- Victim of abuse, neglect or domestic violence.



## Who needs to know, cont.

- Health oversight activities
- Judicial and administrative proceedings
- Law enforcement
- Coroners
- Funeral directors
- Organ and tissue donation
- Workman's compensation laws

## How can we do things differently?

- How will I prevent the sharing of information?
- How will you use the information?
  - NEED TO KNOW!!



## SAFEGUARDS

- Administrative Procedures – planning, audits, identification procedures, passwords.
- Physical Safeguards – protection for the building, fires, earthquakes, theft.
- Technical Safeguards – access control, authorization, authentication, encryption.



## HOW ARE PATIENTS NOTIFIED OF THEIR RIGHTS?

- A disclosure statement is given to all new patients.
- **A yearly renewal of the confidentiality statement/signature/consent.**
- Signed statement allowing you to discuss information with designated others.
- A consent must be signed before using electronic sharing of information

## Who enforces the HIPAA Act?

- 1. Centers for Medicare and MediCal
  - Enforces the insurance portability and transaction and code requirements.
- 2. Office for Civil Rights and Department of Justice.
  - Enforces privacy standards.

## HIPAA Standard Codes

- HIPAA standard codes will replace the old CMS 1500 codes.
- New form 837P is electronic format only and is the form used for all HIPAA claims.

## SECURITY IS SERIOUS BUSINESS

- Requires everyone to be aware and diligent.
- Training is required of all healthcare workers.
- Incidents are to be reported.

## HIPAA and YOU

- If any employee or physician violates the policies –
  - you may be fired or lose privileges.
- **Patients must always have the opportunity to refuse to disclose any information.**
- Patients cannot be denied care even if they haven't signed an authorization form.

## HIPAA and YOU

- Patients have
  - the right to know what your privacy policies are.
- Patients are allowed
  - to see any part of their medical record, with supervision, except for psychotherapy notes.
- Patients may be required to
  - pay a fee that covers postage and/or labor costs of copying the record.

# HIPAA and YOU

- Be alert for violations of the HIPAA rules.
- Remember: “Loose lips sink ships” as do written and computer goofs.

