What is HIPAA and How to Make It Interesting to Teach to Students

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Objectives for Teaching HIPAA

By the end of this presentation you will be able to:

- Define HIPAA
- Explain the historical background of HIPAA
- Identify who must participate in HIPAA
- Identify what HIPAA impacts
Pre-Test
What is HIPAA?

1. An abbreviation for Hippopotamus
2. An abbreviation for the Health Insurance Portability and Accountability Act
3. The US Department of Health and Services headquarters
4. A misspelled word for Hiccup
In what year was the HIPAA law passed?

1. 1996
2. 2006
3. 1991
4. 2010
Which president signed HIPAA into law?

1. George Bush (senior)
2. George Bush (junior)
3. Barack Obama
4. Bill Clinton
True or False

The two basic goals for HIPAA are to
- standardize the electronic exchange of data between health care organizations, providers, and clearinghouses and to
- protect the security and confidentiality of protective health information.

1. True
2. False

http://health.state.tn.us/HIPAA/faq.htm
Who must adopt HIPAA?

1. Most healthcare organizations
2. Health plans
3. Health Care providers who maintain or electronically exchange health data
4. The Department of Health
5. All of the above

http://health.state.tn.us/HIPAA/faq.htm
What does HIPAA impact?

1. Automated systems that receive standard transactions.
2. Automated systems that send standard transactions
3. Automated systems that send and received standard transactions

http://health.state.tn.us/HIPAA/faq.htm
True or False?

HIPAA has a major impact on policy and procedures that you use daily to govern your use and disclosure of personal health information maintained in any format, whether electronic, paper, or oral.

1. True
2. False

http://health.state.tn.us/HIPAA/faq.htm
“Mrs. Cranley! You need to sign this HIPAA privacy form before the doctor can look at those warts on your stomach!”
Teaching Techniques
# Some Ideas

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Software to Record Presentations

Free Software
http://www.presentationtube.com/
http://www.screencast-o-matic.com/

Products for Purchase
http://www.techsmith.com/camtasia.html
Videos

People on the Street and HIPAA

HIPAA Rap

Hippopotamus

What would you do?

HIPAA Violations
HIPAA Important Points
Understanding HIPAA

Why HIPAA? Health Insurance Portability and Accountability Act

- In 1991 Leaders from the Health Care Industry-Business- & Government came together to:
  - Lower Administrative costs (paper transactions)
  - Ascertain how Electronic Technology could help
  - WEDI (Workgroup for Electronic Data Interchange) Provided the framework

Hartley & Jones (2011)
President Clinton signed HIPAA into law on August 21, 1996

Portability part of the law that insured that an employee could obtain health insurance if they changed jobs

Accountability identifies who, what, when and how specific health care activities and assigned specific job roles for accountability and compliance.

Hartley & Jones (2011)
Administrative Simplification

Address the health care systems to:

- Improve Efficiency & Effectiveness via electronic exchange of administrative and financial information
- Protect the security and privacy of transmitted and stored administrative and financial information
- Reduce high transaction costs in health care (paper based transaction systems, multiple, nonstandard health care data formats, & misuse of errors due to loss of health care records)

Hartley & Jones (2011)
HIPAA Key Points

All Transactions between two parties electronically for financial or administration functions require standard codes and data sets (Encrypted) for payers to understand how provider treats and payers reimburse for smooth processing.

- Code sets are data sets that identify:
  - Diagnosis
  - Treatment procedures
  - Drug codes
  - Equipment codes
  - Financial codes
  - Location codes & other ICD-9 & 10
Critical Point

Your practice must ensure that your software vendor as a business associate can send and receive electronic healthcare (HER) information using required transaction standard data formats and data content.

Hartley & Jones (2011)
How many HIPAA violations can you find?

| Doe, John | 1-5-1977 | 421-93-57H |

I think I'll download that Screensaver my sister sent me this morning.

Please write answers on back and put in National Health Information Privacy and Security box when finished.
HIPPA Privacy & Security

HIPAA privacy rules consist of policies and procedures to ensure protection. The Security rule is about controlling access to electronic protected health information (ePHI) only. The Privacy Rule is about controlling how oral, hard copy, and ePHI is used and disclosed.

Hartley & Jones (2011)
Federal Government Shift

Early decade of 21st century a shift occurred in health care policy in relation to electronic process as prior was focused on administrative process.

Electronic Clinical standards adopted in 2004 Decade of Health Information Technology (HIT) 2004-2014

President Obama signed into law the American Recovery and Reinvestment Act of 2009 (ARRA) in February 17, 2009 including the stimulus bill Health Information Technology for Economic and Clinical Health Act (HITECH Act)

Hartley & Jones (2011)
New Privacy & Security Rules

Security Breaches affecting more than 500 individuals are to be reported immediately to the HHS Office of Civil Rights (OCR)

Department of Health and Human Services Secretary makes the breach public web site

Breach = Unauthorized acquisition, access, use, or disclosure of protected health information

Hartley & Jones (2011)
Costs Related to Breaches

Lost business accounted for 70% of data breach in 2008 (legal fees, disclosure expenses, consultations, remediation, technology & training)

The sectors suffering the highest consumer losses were health care and financial services

Biggest cause is insider negligence 88% of all 2008 cases reported

Largest Breaches $1.5 Million per Violation (HHS, 2013)

75% Involved electronic records (OCR, 2010)

25% Involved paper records (OCR, 2010)
Breach Rules

Requires notification when an incident of unauthorized acquisition, access, use, or disclosure of unsecured protected health information is discovered no later than 60 calendar days after discovery.

Enforced fines after HITECH Act increased up to a maximum penalty of $1.5 million.

Fines vary based on did not know, reasonable cause, willful corrected neglect and willful not corrected neglect.
DANGER
THIN ICE
Confidentiality is the property that data or information is not made available or disclosed to unauthorized persons or processes.

Integrity is the property that data or information has not been altered or destroyed in an unauthorized manner.

Availability is the property that data or information is accessible and usable upon demand by an authorized person.
DR. FLOYD WILL TALK TO YOU ABOUT YOUR EXTREMELY EMBARRASSING SEXUAL PROBLEM NOW, MR. FENTON.
Privacy Official

Privacy Official is responsible for developing and implementing privacy policies and procedures.

Designated privacy team

Designated privacy practice

Documentation

Storage

Disposition of complaints and documentation of actions

Training

Enforcement of policy – Imposed penalties
Permissible Disclosures

Family & Friends (Office of Civil Rights) Rules
- Patient is able to agree
- Patient is incapacitated
- Patient is present and agrees to share

Disaster Relief Agencies
Victims of Abuse, Neglect, or Domestic Violence

Law Enforcement purposes
Organ and Tissue Donation
Workers Compensation
Specialized Government functions
Etc.
Incidental Use or Disclosures

Appropriate Administrative, Technical, & Physical Safeguards

Speak quietly when discussing patient condition or family members in waiting room, or other public areas

Avoid using patient names in public spaces hallways or elevators

Post signs to remind members to protect confidentiality

Store records out of view of public

Turn computer monitors away from public

Enforce sanctions against those who violate sanctions
Identity Safeguards

Request copy of drivers license
Request official badge, and documentation from any public or official (Child Protection Team, Police, Government or other)
Request copy of divorce papers
Request copy of power of attorney
Social Networking-Media

Unencrypted devices
Facebook
YouTube
LinkedIn
Plaxo
Twitter
Blogs
True or False

DARTH HIPAA

Finds your foray into Social Media disturbing...
Interpreters

Can share with a interpreter without patients authorization under the following:

1. Interpreter works for provider (bilingual employee, contract interpreter on staff, or volunteer) to relay to family

2. Acting on providers behalf not a member of providers workforce if a written contract or agreement meets HIPAA business associate contract requirements

3. If patient agrees to share with family member, friend, or other person identified as his/her interpreter
Access to Information

Oral, Written, & Electronic
Health care staff coordination
Nurses discussion via phone w/patient, family, provider, or family member
Health care professional to other Provider
Physician in room
Rounding
Pharmacist at Pharmacy counter
Post-Test
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Thank you for your participation
The End
And in conclusion


