

HIPAA Polk County

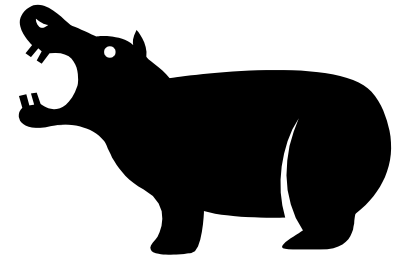
Candy Morgan
County Attorney's Office

Objectives:

- Explain the basics of HIPAA law and how it affects what you do
- Overview of what Polk County has done to comply with HIPAA
- Advise you on how to handle situations specific to your workplace
- Introduce the Privacy Officer

Health Insurance Portability and Accountability Act of 1995

1. **Privacy regulations—Start date April, 2003**
2. **Electronic Transactions—Start date October, 2003 if an extension was filed**
3. **Security regulations—Start two years after final rules are published**



HIPAA Terms:

**A Consumer is
a person who
uses health care**

HIPAA Terms:

**A provider is
an entity that
gives health care**

HIPAA Terms:

Protected Health Information

**(PHI) contains identifiable
information**

**including name and
diagnosis**

HIPAA Terms:

**A health plan
is an entity that pays for
health care**

Consumer Rights – Confidentiality Currently Governed by:

- State law
- Other Federal laws
- HIPAA

(Whatever law is most strict is the one to comply with)

Consumer Rights to Access to Medical Records

- **Medical records -except psychotherapy notes and law enforcement records or civil litigation**
- **Expect a decision to release or deny records within 30 days**
- **If access denied, must receive written reasons**
- **Consumer may request log of releases once a year**



Consumer Rights Disclosure Restrictions

**Restrict some
information
from disclosure
or to certain
individuals**

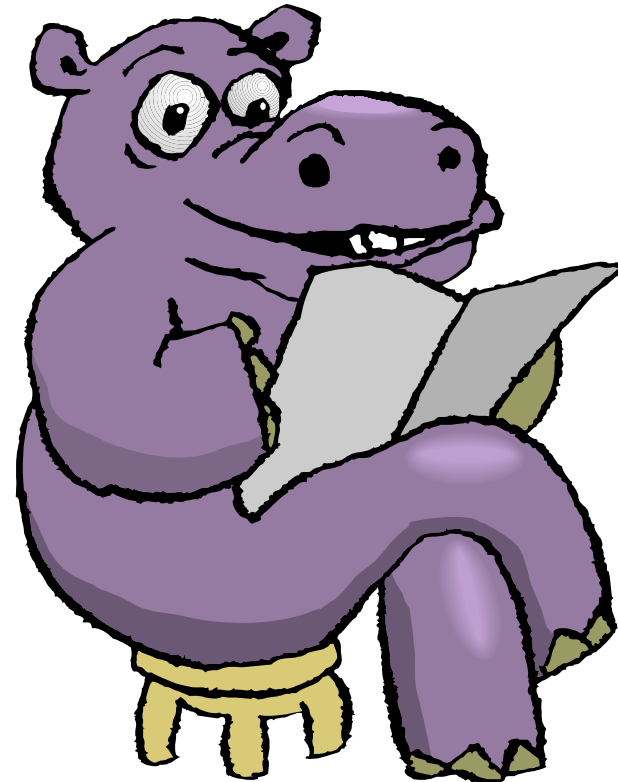


Consumer Rights Minimum Necessary

The minimum of information necessary should be conveyed to the requestor – not the whole file

Consumer Rights

- To receive “Notice of Privacy Practices” – when and how PHI will be disclosed



Consumer Rights Health Care Confidentiality

- **Communications between employees**
- **Written communication**
- **Oral Communication**
- **Electronic communication**

Consumer Rights Complaint Practices



**Right to file a
complaint if they
believe their
rights have been
violated**

Provider Duties

- **Determine if you are a provider of medical services.**



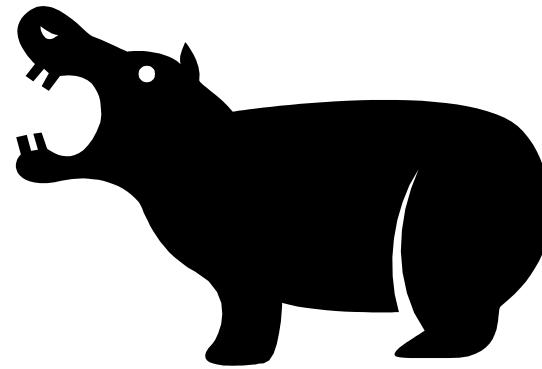
Provider Duties

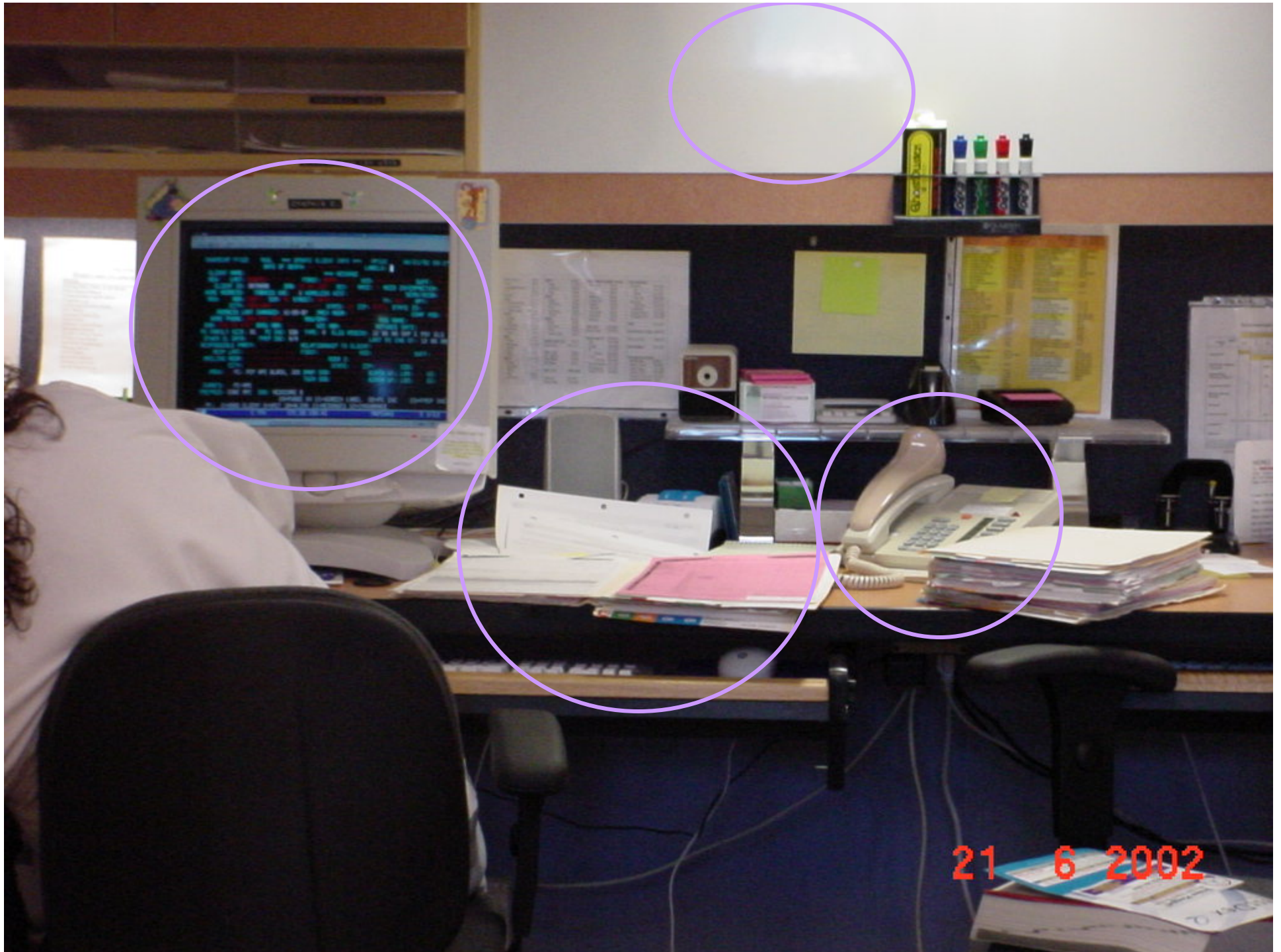
**Guard the privacy
of clients and
employees on
health issues**



Provider Duties

- Communications received from employees regarding health conditions are not covered
- Communications received from health insurance carrier about employees are covered





21 6 2002

09/16 09/16-01 MULTNOMAH COUNTY HEALTH DEPARTMENT
 PROVIDER: 1429 LEONARD, JERRY
 CLIENT NAME: JERRY
 CL ID SEE COMMENTS: 1429 LEONARD, JERRY

TIME	TYPE	DOB	LAST	FIRST	MI	SEX	AGE	ADDR	CITY	STATE	ZIP	PHONE	MOBILE	EMAIL	REMARKS
07:15A	ADM	15													
07:45A	DBI	41	18-04-75	EMER	SIMONE J	F	27	1429 LEONARD, JERRY							
09:30A	DBI	31	7-08-84	MILLS	VONTRELL	M	17	3221387 W CA	REDFORD	OR	97116				
09:30A	DBI	45	6-14-57	GAVER	MARCEL	M	45	3247427 F TA	REDFORD	OR	97116				
10:00A	DBI	45	4-26-82	BUDJICKA	SARAFINA V	F	20	3171431 F ANT	REDFORD	OR	97116				
11:15A	DBI	45	1-06-54	SAMIAEL	FRIAS	M	48	3247931 W EVAL	REDFORD	OR	97116				
12:00P	ADM	15													
01:15P	DBI	45	6-24-83	KOBE	SACHINDA	F	19	3276817 F EVAL	REDFORD	OR	97116				
02:15P	DBI	45	12-28-51	LOVAG	ISABEL K	F	51	3145219 W	REDFORD	OR	97116				
03:15P	DBI	45	2-11-88	FIVICHARO	SIERRA S	F	14	2444173 F	REDFORD	OR	97116				
04:15P	ADM	15													

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07:15A	ADM	15													
07:45A	DBI	45	8-06-49	LAGRENSALE	MARISA	F	53	3411315 F	REDFORD	OR	97116				
08:45A	DBI	45	10-13-88	WILLIAMS	PAUL	M	14	3219751 W	REDFORD	OR	97116				
09:30A	DBI	45	3-08-84	CLARSON	CHRISTELLE	F	18	3414794 F	REDFORD	OR	97116				
10:00A	DBI	45	5-12-48	WILLIAMS	MARILENE	F	54	3413557 F	REDFORD	OR	97116				
11:00A	ADM	15													
11:15P	DBI	45	12-05-54	MURFIN	WILLIAM	M	47	3170145 W	REDFORD	OR	97116				
12:00P	ADM	15													
12:45P	DBI	45	2-24-52	BENJAMIN	OSHELLE	F	50	3119147 F	REDFORD	OR	97116				
03:00P	DBI	45	4-08-56	MOYER	THOMAS W	M	46	3224125 W	REDFORD	OR	97116				
04:15P	ADM	15													

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Storage issues...



And more storage issues...



And still more storage issues!



Provider Duties

**Complete the new
paperwork
required to get or
give protected
health information
(PHI)**



Provider Duties “Universal Precautions”

- **Utilize “universal precautions”**
- **Remind others to use “universal precautions” in situations where you know or suspect there may be a possibility of blood borne or airborne diseases.**

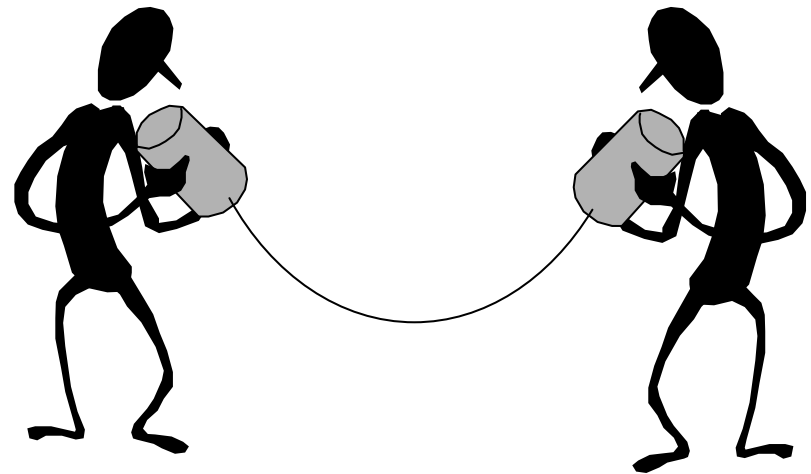
Provider Duties

**Maintain a log of
released
information for 6
years**



Provider Duties

**Take care with
conversations
about medical
issues, e.g.
elevators, halls,
open doors**



Provider duties

- Information learned in the employment relationship is not covered by HIPAA; also worker's compensation records.
- Information learned as a plan sponsor is covered and cannot be used in making employment decisions.

Penalties for Non-Compliance

- Federal Law
 - Civil monetary penalties
 - Criminal penalties:
 - Unintended releases
 - False pretenses
 - Commercial gain

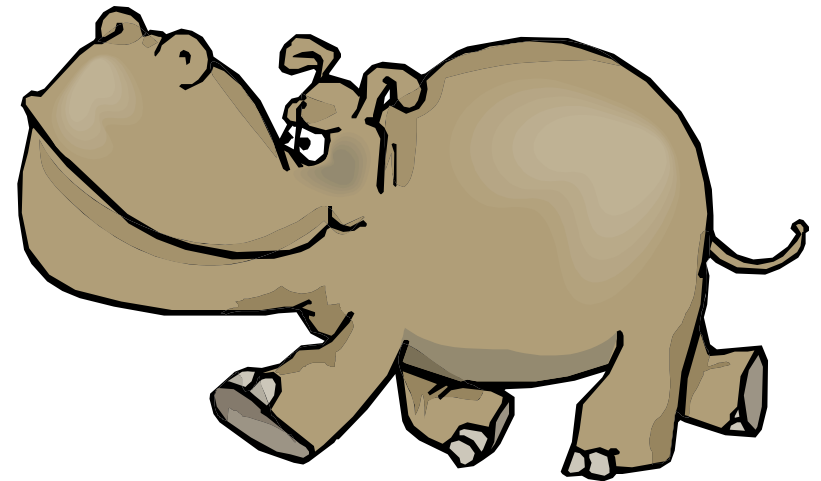
Penalties for Non-Compliance

- Within Polk County
 - Possible discipline, particularly for intentional violations

(Generally we have a good record of maintaining confidentiality of consumers)

Permissible Reports

- **FDA reports**
- **Communicable Disease**
- **Reports of child abuse, domestic abuse or dependent abuse if required by law**



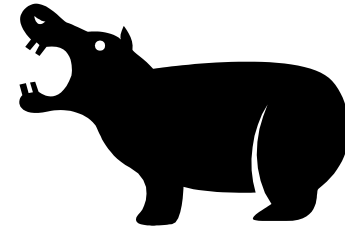
Permissible Reports

- **Providers should report health information if there is an immediate threat to the health and safety of an individual**
- **Secret Service – protection of the president**



Permissible Reports

- **Wounds required by law to be reported**
- **Court orders**
- **Subpoenas - if the information is relevant and material to a legitimate law enforcement inquiry and de-identified information cannot reasonably be used**



Law Enforcement Reports

- **Death**
- **Law enforcement may communicate with medial examiner or funeral director**
- **Crime on premises**



Polk County Action Steps

- Convened HIPAA Work Group for the purpose of developing a work plan.
- Develop a policy statement for the implementation of HIPAA county-wide and seek BOS endorsement of resolution adopting the policy.
- Offer training for all county units on the impact of the policy statement in modifying behavior.

Polk County Impact

If you identify changes which need to be made in your work area or in your job duties, contact your department's privacy officer.



Why bother?

- Counties have a wide variety of confidential, personal information about people, including medical information.
- Some sensitive information is required to be given in order to receive services or to qualify for county activities
- Even the unintentional release of personal information may be harmful to the individual

Why bother?

- As our society becomes more complex, the danger of unintended release of information increases.
- Congress is concerned about the need to be more careful in the storage and handling of sensitive health information. There will soon be new “rules of the game” for providers and insurance companies. Counties need to keep up.

For Further Information:

- www.iowasnip.org
- www.state.ia.us/government/hipaa
- www.cms.hhs.gov/hipaa
- www.hhs.gov/ocr/hipaa
- www.iowacounties.org

HIPAA: Polk County



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