



Winter Growth, Inc **HIPAA POLICY**

What is HIPAA?

The Health Insurance Portability and Accountability Act (HIPAA) is a federal law that specifies administrative simplification provisions that:

- Protect the privacy of client information
- Provide for electronic and physical security of client health information
- Require “**minimum necessary**” use and disclosure
- Specify client rights to approve the access and use of their medical information

HITECH Act Updated HIPAA in 2009

As part of the American Recovery and Reinvestment Act of 2009, the Health Information Technology for Economic and Clinical Health (HITECH) Act updated federal HIPAA privacy and security standards.

The updates include:

- Breach notification requirements
- Fine and penalty increases for privacy violations
- Right to request copies of the electronic health care record in electronic format
- Mandates that Business Associates are civilly and criminally liable for privacy and security violations

Final Omnibus HIPAA Rule

On January 17, 2013, U.S. Department of Health and Human Services announced the final omnibus HIPAA rule that, among other things, enhances patient privacy protections, provides individuals new rights to their health information, and strengthens the government’s enforcement of and penalties under the law.

The final rule implements portions of the Health Information Technology for Economic and Clinical Health (HITECH) Act already in effect, but also includes modifications and requirements under HIPAA not previously included in the HITECH Act.



Who Uses PHI at Winter Growth?

- Anyone who works with or may view health, financial, or confidential information with HIPAA protected health identifiers
- Everyone who uses a computer or electronic device which stores and/or transmits information

- The following workforce members:
 - All Daycare staff
 - All Administrative staff with access to PHI
 - All Housing staff
 - Volunteers**
 - Accounting and payroll staff
 - Almost **EVERYONE**, at one time or another

Protected Health Information (PHI)

What Information Must Be **Protected**?

- PHI:
 - Is information related to a client's past, present or future physical and/or mental health or condition
 - Can be in any form: written, spoken, or electronic (including video and photographs)
 - Includes at least one of the 18 personal identifiers in association with health information
 - Name
 - Street address
 - Dates directly related to ind-birth date, admission date, discharge date, date of death and all ages over 89
 - Phone number
 - Fax number
 - Email address
 - Social security numbers
 - Medical record numbers
 - Health plan beneficiary numbers
 - Account numbers
 - Certificate/license numbers



Vehicle identifiers and serial numbers incl license plate #
Device identifiers and serial numbers
Web Universal Resource Locators (URLs)
Internet Protocol (IP) address numbers
Biometric identifiers, including finger and voice prints
Full face photographic images and any comparable images; and
Any other unique identifying number, characteristic, or code

- These rules apply to you when you view, use, and share PHI
- Any health information with identifiers is Protected Health Information

In order for Winter Growth to use or disclose PHI:

- Winter Growth must give each client a Notice of Privacy Practices that:
 - Describes how Winter Growth may use and disclose the client's PHI
 - Advises the client of his/her privacy rights
- Winter Growth must attempt to obtain the client's or legal representative's signature acknowledging receipt of the Notice, except in emergency situations. If a signature is not obtained, Winter Growth must document the reason why it was not

Scenario 1

I do not work with clients or have access to medical records, however I see clients pass me during the day. Can I talk about the clients with other volunteers, WG staff, family and friends even if it has nothing to do with my duties?

- A. You may not discuss any client information with anyone unless required for your volunteer job
- B. You may only talk about the client with WG staff and volunteers
- C. You may only talk about the client with your family and friends

Scenario 1 – Answer

The correct answer is **A**. Information can only be used as needed for your job.

Scenario 2

I assist with programs for clients. One day a new client arrived who I used to work with. Can I tell my family and friends about this?



- A. It is okay since I personally know this person
- B. I can discuss with my immediate family but no one else
- C. I may not mention to anyone that you know that a former co-worker is now a client

Scenario 2 – Answer

The correct answer is **C**.

There was impermissible disclosure of her information. Winter Growth staff have all the same rights to privacy of their information as does any other client.

Protecting Privacy

Verbal Exchanges

Clients may see normal clinical operations as violating their privacy

- Be aware of your surroundings when talking
- Ask yourself, “**What if it was my information being discussed like this?**”

Examples of Privacy Breaches

- Talking in public areas, talking too loudly, talking to the wrong person
- Lost/stolen or improperly disposed of paper, mail, notebooks
- Lost/stolen laptops, PDAs, cell phones, media devices (video and audio recordings)
- Lost/stolen zip disks, CDs, flash drives, memory drives
- Hacking of unprotected computer systems
- Email or faxes sent to the wrong address, wrong person, or wrong number
- User not logging off of computer systems, allowing others to access their computer or system