

Privacy, Confidentiality & HIPAA

FACTS

In the coming months, you will hear a lot about HIPAA. HIPAA stands for the Health Insurance Portability and Accountability Act. This is a federal law that protects the privacy of a person's health information. HIPAA has many rules your agency must follow. Some of those rules apply to you in your role as a home health aide. There may be penalties if you break the HIPAA rules. You could even be fined. HIPAA regulations cover many areas, but privacy of information is one of the most important for you to know about.

Privacy of information means that anything you say or write about a patient must not be overheard or read by anyone unless that person has a right to hear or see the information. He or she can have that right only if the patient has agreed that they may have the information.

TALKING ON THE PHONE:

- » Do not talk about a patient over the phone if there is anyone who might overhear. If the scheduler calls you at a patient's home about a change in assignments, never say anything that might identify any patients.
- » When you call to report an observation about a patient, make certain that no one else, other than caregivers, can overhear what you are saying.
- » If you receive work-related messages on your home answering machine, do not allow your family to listen to them.
- » Do not leave messages on the patient's answering machine unless the patient asked you to.
- » Use your cellular phone carefully. Never use the phone to relay patient information in an area where others might overhear the conversation.

DISCUSSIONS WITH OTHERS:

- » Use the "need to know" rule. Do not discuss a patient, even with another aide, if there is no need for the other person to know about the patient. Don't gossip.
- » Never discuss a patient in a common area of the office. This includes hallways, open areas, the bathroom, or the reception area.
- » Do not discuss one patient inside another patient's home, even if you are talking with the nurse who takes care of both patients.
- » Never discuss the patient with an interested neighbor or even a family member unless you know for certain that person assists in the patients' care and/or the patient does not object. Ask the nurse or therapist when in doubt.

PAPERWORK:

- » Guard your visit notes and other papers so that no one else can see them. Don't leave papers lying around your house, car, or the office.
- » Make certain that all paperwork taken into a home is kept confidential.
- » Do not put papers containing patient information into the garbage. Shred this information.

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YOUR AGENCY POLICIES:

- » Learn and follow your agency's policies on security and confidentiality of patient information.
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CASE STUDY: HANNAH AND HIPAA

Hannah is a home health aide who has worked for Happy Homecare for 15 years. She recently attended an in-service program on privacy and confidentiality as her agency prepares for compliance with HIPAA. Before leaving for her first visit, Hannah listens to her voice mail, using the receiver and not the speaker. She deletes the messages containing patient assignments and directions. Hannah rides the bus, so she must take all her papers with her. She keeps them in her closed bag. Her day goes something like this.

The first visit is to Mr. Smith. Just before she is ready to leave, Mr. Smith's neighbor drops by for a visit and asks Hannah how he is doing. Hannah replies, "It's good to know you are interested, but I can't really discuss Mr. Smith with you without her permission. I'm sure he will be glad to see you and you can ask him how he is."

The second visit is to Mrs. Jones. While helping her into the bathtub, Hannah notices that there is a big bruise on her leg. She needs to report this to the nurse. There are visitors in the kitchen so Hannah uses the phone in Mrs. Jones' bedroom to call the office.

The third visit is to Mrs. Black. The nurse who has come to do a supervisory visit is also Mrs. Jones' nurse. As the nurse is leaving, Hannah goes with her to the door and when they are on the porch, she tells the nurse about Mrs. Jones' bruise.

A staff meeting is next on Hannah's schedule. As she walks into the busy room, one of her co-workers says, "I hear you're taking care of the mayor's wife. What's she like?" Hannah tells her co-worker politely, "We really should not discuss patients unless we're having a care conference."

The fourth visit is to Mr. Blanco, who has severe effects from a recent stroke. At the end of the visit, his daughter asks Hannah what she thinks about his progress. Hannah knows that the daughter has medical power of attorney and is authorized to make all decisions concerning Mr. Blanco's medical care. She answers, "I think he did better with his exercises today and he seems to be swallowing better. But you might want to also ask the nurse and therapist what they think of his progress."

The fifth visit is to Mrs. Johnson. Hannah is preparing her bath, and when she returns, she notices that Mrs. Johnson's granddaughter is looking through her papers. Hannah picks them up and moves them to the top of the dresser, saying, "Why don't I get these papers out of your way? I'm sorry I left them there in the chair."

SOMETHING TO THINK ABOUT

Review the encounters and statements that made up Hannah's day. Underline the examples which you think show that Hannah has a good understanding of confidentiality of patient information. List on a separate sheet of paper some examples that you have come across in your own visits.

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DIRECTIONS: READ EACH QUESTION CAREFULLY. THEN, DETERMINE THE BEST ANSWER. CHECK THE CORRESPONDING BOX ON YOUR ANSWER SHEET. DO NOT WRITE ON THIS POST-TEST.

1. HIPAA is a federal law that protects the privacy of a person's health information.
 - a. True
 - b. False

2. Which of these is considered confidential information under HIPAA?
 - a. The patient's name
 - b. What is wrong with the patient
 - c. The homecare services the patient is receiving
 - d. All of the above

3. What information about patients is protected by the HIPAA regulations?
 - a. Information that is in the computer
 - b. Information that is written on paper
 - c. Information that is said out loud
 - d. All of the above

4. The HIPAA regulations about privacy are only for nurses, therapists and other professionals. They do not apply to home health aides.
 - a. True
 - b. False

5. The patient must sign a written consent before the agency can release information about him or her.
 - a. True
 - b. False

6. A patient's daughter arrives from out of town while you are making a visit. She says to you, "I can't seem to get any straight information from my brother. Can you please tell me what is wrong with Dad?" How should you answer her?
 - a. Tell the daughter that her father has cancer and you think her brother should have told her.
 - b. Tell the daughter you don't really know.
 - c. Show the daughter the care plan and folder so she can see for herself.
 - d. Tell the daughter that you cannot share information about her father and suggest that she discuss this with her father and brother.

7. You could be fined for sharing patient information with someone who should not receive it.
 - a. True
 - b. False

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POST-TEST, PAGE 2

8. It is not a problem to discuss patient information with other staff members even if they are not taking care of the patient.
- True
 - False
9. What should you do with papers that have patient information on them when you no longer need the information?
- Throw them in the trash can at home.
 - Give them to your children to use as scratch paper.
 - Take them into the office and place them in the to-be-shredded bin.
 - Put them in the patient's trash can.
10. The scheduler calls you at a patient's home to give you another assignment. There are people who can hear what you are saying. What should you do?
- Repeat the name and address of the other patient so you can make certain you have it right.
 - Tell the scheduler there are others who can hear you, so you can't repeat the information and she may have to give you the information several times to make certain you have it correctly.
 - Tell the scheduler to call someone else since people can overhear you.
 - Tell the scheduler you can't talk and hang up.

– END –

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NAME _____ DATE _____

DIRECTIONS: READ EACH QUESTION OF THE POST-TEST CAREFULLY. THEN, DETERMINE THE BEST ANSWER. CHECK THE CORRESPONDING BOX ON THIS ANSWER SHEET. DO NOT WRITE ON THE POST-TEST.

MULTIPLE CHOICE ANSWER SHEET

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|-----|----------------------------|----------------------------|----------------------------|----------------------------|
| 1. | <input type="checkbox"/> a | <input type="checkbox"/> b | | |
| 2. | <input type="checkbox"/> a | <input type="checkbox"/> b | <input type="checkbox"/> c | <input type="checkbox"/> d |
| 3. | <input type="checkbox"/> a | <input type="checkbox"/> b | <input type="checkbox"/> c | <input type="checkbox"/> d |
| 4. | <input type="checkbox"/> a | <input type="checkbox"/> b | | |
| 5. | <input type="checkbox"/> a | <input type="checkbox"/> b | | |
| 6. | <input type="checkbox"/> a | <input type="checkbox"/> b | <input type="checkbox"/> c | <input type="checkbox"/> d |
| 7. | <input type="checkbox"/> a | <input type="checkbox"/> b | | |
| 8. | <input type="checkbox"/> a | <input type="checkbox"/> b | | |
| 9. | <input type="checkbox"/> a | <input type="checkbox"/> b | <input type="checkbox"/> c | <input type="checkbox"/> d |
| 10. | <input type="checkbox"/> a | <input type="checkbox"/> b | <input type="checkbox"/> c | <input type="checkbox"/> d |

INSTRUCTOR'S COMMENTS/SIGNATURE

Signature _____ RN _____ Date _____

