HIPAA/COMPLIANCE AND PROFESSIONALISM

For Rehabilitation Clinical Students and Instructors

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AdvocateAuroraHealth®
OBJECTIVES

At the completion of this learning module, the participant will be able to:

• Define HIPAA and how it impacts your role
• Identify methods to maintain the privacy and confidentiality of personal protected health information
• Indicate compliance and regulatory issues that may impact your role
• Understand the importance of professionalism
Does HIPAA & Compliance Apply to Students?

All students and instructors who participate in clinical activities are deemed workforce members at the various healthcare systems. All policies and procedures are applicable to workforce members, just as they would be for employees.
IMPORTANT REMINDER:

When reading this module, please know that you are accountable for understanding the information that is presented and if you have any questions, you will need to talk to your instructor/school/facility and find out the answer before going any further.
What is HIPAA?

In 1996, the federal government passed a law called HIPAA (Health Insurance Portability and Accountability Act)

The law requires healthcare providers to adopt standards in the areas of privacy, security, and electronic transfer of data or billing.
What is HIPAA (con’t)

The law defines “protected health information” (PHI) and sets standards for healthcare providers to protect that information.

All healthcare systems have policies in place to ensure that PHI is available, private and secure in order to promote quality care and treatment.
What happens to those that don’t comply?

The law defines stiff penalties (fines and even imprisonment) for violating any privacy provisions. These penalties apply to any member of the workforce team- including students.

Wisconsin state laws also protect the privacy of patient information.
What is confidential?

Any information that we collect, create, store, etc., that relates to an individual’s health and identifies that patient, client or resident is confidential.

This is called **Protected Health Information (PHI)**. PHI includes any information we create. PHI includes any personal information we ask the patient, client, or resident to provide.
Examples of PHI

Protected Health Information (PHI)
Medical Record Number
Billing Information
Medical Information

Personal Information
• Name
• Address
• Date of Birth
• Phone Number
• Insurance & Social Security numbers
• Medical History
Forms of PHI

Protected Health Information can be seen in different forms. Be aware of these examples:

- Spoken information
- Paper documents, charts
- Computer screens
- White Boards (i.e. surgery schedules, staff/patient boards)
- Photos, videos
- Medical container labels (i.e. prescription bottles, IV labels, packages, specimen labels, etc)
- Student post-clinical conference discussions
Be Aware of ePHI

• The “e” in ePHI stands for electronic
• ePHI is any information that is accessed or stored electronically using computers or other equipment
• These electronic devices or computers include:
  - Desktop & laptop computers
  - iPads or other personal electronic devices
  - Smart Phones
  - Computer discs or flash drives
Caution: Technology/Social Media

• In addition, confidential information should not be transferred to or from, or stored within, any form of personal technology (i.e. personal computers, cell phones, etc)

• It should never be shared in any form of social media outlet such as Facebook, YouTube, etc.
Examples of Social Media

• Do not comment on patients on Facebook, Twitter, etc., even if not mentioning patient name
• Do not take pictures in work areas
• Video & audio recordings and taking images (pictures) via cell phones or any other electronic device is not permitted
• Do not save any PHI on a jump drive
Patient Privacy Rights

Under HIPAA, patients have certain rights:

- Right to access their health information
- Right to request an amendment to their PHI if they feel the information is incomplete or inaccurate
- Right to request a place to receive PHI
- Right to request restrictions on what PHI can be disclosed
- Right to request what PHI has been disclosed

- [Patient Rights and Responsibilities](#) - link to site
Patient Privacy

What can you do to safeguard privacy?

• Keep your voice low when discussing patient information within earshot of others
• When providing paper information to a patient, make sure every page is for that particular patient
• Before discussing information with, or in front of, a patient’s family member or friend, ask for the patient’s permission & document the verbal permission in the patient’s record. If the patient is incapacitated or otherwise not available to give permission, disclose limited information as long as you believe it is in the patient’s best interests to do so.
Patient Rights

Patients must be provided the *Patient Rights and Responsibilities* brochure upon admission. These rights include but are not limited to:

- Access to care and refusal of treatment
- Respect and dignity
- Privacy and confidentiality
- Informed consent
- The right to make a complaint
- Personal safety
- The right to receive visitors
- Pain management
- Knowing the identity of caregivers
The HIPAA Security Rule

The HIPAA Security Rule has additional requirements regarding how PHI is accessed, stored, displayed, and transferred electronically.

*Integrity*- This means we must make sure the information is not altered or changed by anyone who does not have the authority to do so.
The HIPAA Security Rule (con’t)

• As part of the workforce team in a healthcare system, you may or may not be provided with computer access.

• All healthcare systems have special safeguards in place to protect PHI.

• HIPAA and healthcare systems require unique identifiers (passwords) to access computer applications or systems that contact patient, client or resident information.
ALWAYS REMEMBER:
You must safeguard the privacy and security of PHI
For Students & Instructors with Computer Access

• If you are provided computer access with an assigned user ID & password, you must protect the privacy & security of patients’ PHI at all times
• Also, protect your password & keep it secure
• Do not share it with others on the workforce team
• Do not write it or store it in a place accessible by others
• Use a strong password – avoid pet names, sports team names or phone numbers, etc.
Access to PHI

➢ Each healthcare system has specific policies governing how information is accessed and who may access it (including your own information)
➢ Please be aware of system policies surrounding the minimum necessary information you may be allowed to access
➢ Failure to comply with HIPAA will result in disciplinary action through your school
Your Role in Confidentiality, Privacy, and Security of PHI
Physical Privacy and Security

➢ Dispose of printed PHI in secure recycling/shredding bins – never remove PHI from unit/facility

➢ Labels (i.e. bottles, IV bags, etc.) containing PHI should be discarded in privacy bins or blackened out prior to discarding

➢ The sharing of patient/resident PHI should be done in a private and secure manner – not in the hallway, break room, cafeteria, elevator, etc. – and only on a need to know basis
Physical Privacy and Security (cont’)

➢ Never share PHI with family and/or friends
Examples:
▪ Do not share that you saw your neighbor at the hospital today
▪ Do not share that you cared for a friend or neighbor
▪ What is said in post conference is considered confidential
Physical Privacy and Security (cont’)

➢ Workstations (computers) should be logged off when not in use
➢ Turn screens away from public view, use privacy screens
➢ Emails may not contain ePHI unless the information is encrypted or safeguarded in some other manner
Physical Privacy and Security (cont’)

➢ Report suspicious behavior by others to security or information services department

➢ Each healthcare system has procedures for disposing of documents or media (i.e. CDs, flash drives, PDAs, etc.) containing patient PHI. Please follow these when indicated
Tips for Students/Instructors

• Never leave medical records/films in an open area, including census print outs, or other documents
• Don’t share passwords with others
• Don’t share information about friends or family (in the facility) with others
• Do not discuss cases or PHI of patients you are not directly involved with
Tips for Students/Instructors (con’t)

For example, if a friend says “I heard that Mary Smith is in the hospital. Did you see her there?”

Your response should be something like, “I cannot share information about patients.”

The easiest way to remember how to implement this law is the saying,

“What you see here, or hear here, must stay here”
Compliance

➢ Each healthcare system or facility abides by specific policies, procedures and regulatory standards

➢ When we trust that facilities are doing this, it is referred to as corporate integrity.

➢ Corporate integrity, or corporate compliance, means that an organization is abiding by high moral principles and standards set out by that organization
Compliance (con’t)

➢ The HIPAA Privacy and Security rules are an example of an area of compliance for healthcare systems and facilities.

➢ Each healthcare system may have different codes of conduct or compliance manuals. This information may be found on links within the Advocate Aurora internal website.

➢ Contact your instructor with questions.
IMPORTANT:
Students may **NOT** access their own personal records while at the clinical agency.

.....this is also a HIPAA violation!
Compliance Plans

Healthcare systems include the following in their compliance plans:

✓ General standards of workforce conduct are established
✓ Rules and regulations that healthcare systems must follow
✓ Background checks on all workforce team members, including students and instructors, must be completed
Compliance Plans (con’t)

The rules that healthcare systems must follow are:

➢ Health Insurance Portability and Accountability Act (HIPAA)
➢ False Claims Act (FCA)
➢ Anti-kickback Statutes (AKS)
➢ Physician Self-Referral Prohibition (also called the Stark Law)
➢ Emergency Medical Treatment and Active Labor Act (EMTALA)
➢ Fraud and Abuse in Billing
False Claims Act (FCA)

Any organization that makes a false claim to the government (Medicare/Medicaid) for payment is in violation of the FCA.

Example: sending a bill for a service that was not done.

If an organization is found guilty of doing this, they may be prohibited from participating in any Medicare/Medicaid or other federally funded healthcare program.
Anti-Kickback Statute

The federal law forbids anyone to offer, pay, ask for, or receive something of value in return for referring Medicare or Medicaid patients.

There are fines up to $25,000 associated with this violation.
The Physician Self-Referral Law

• This law only relates to physicians
• The government forbids physicians from referring patients to an entity where a physician has a financial relationship with that entity
• There are, however, many complicated exceptions to this law
Emergency Medical Treatment and Active Labor Act (EMTALA)

- This EMTALA law pertains only to those facilities who have a designated Emergency Department.
- The hospital must perform a medical screening exam to determine if an emergency condition exists for anyone who comes to the emergency department (regardless of their ability to pay).
EMTALA (con’t)

If there is an emergency medical condition:
1. The hospital must stabilize the medical condition

Or

2. Transfer that person to another facility if the hospital does not have the capability or capacity to treat the person
Fraud and Abuse in Billing

• This refers to knowingly billing for services provided, submitting inaccurate or misleading claims or actual services provided, or making false statements to obtain payment

• Fraud is an intentional act. In other words, the person knows they are doing something wrong
Documentation

What do you need to know about the Medical Record Documentation Policy?

➢ If you document in a medical record, whether on paper or electronic, you should be familiar with this policy. It includes requirements related to:
  ➢ Signing and co-signing documentation
  ➢ Making corrections, amendments, and late entries
  ➢ Timeliness of entries
  ➢ Use of symbols and abbreviations
  ➢ Meaningful use

Did you know??
Many errors identified by audits that result in a repayment to a health plan are the result of inaccurate or incomplete documentation. Worse yet, poor documentation can result in lower quality and patient safety issues.
Documentation (con’t)

Keep our SmartChart records accurate:

➢ **NEVER** use another person’s login ID/password to sign documents. This is an example of fraudulent documentation

➢ Appropriately edit any information created using copy/paste, carry forward functionality, or templates to accurately describe the patient’s condition and the services performed during the current encounter

➢ Use copy/paste and carry forward functionality discriminately so that only information that is relevant to the current encounter is carried forward. More documentation is not necessarily good or appropriate documentation and may result in inaccurate billing
Reporting Compliance Issues

If you see things that may not be lawful, ethical, or do not protect the privacy and security of the patient, client or resident, please notify your instructor, the supervisor, or department manager of the facility.
A Final Reminder...

✓ Remember, as a member of the healthcare workforce team, you have an obligation to keep protected health information confidential, private and secure.

✓ For additional information regarding privacy policies and compliance plans, please refer to the healthcare site’s policies and procedures.
The Importance of Professionalism in the Workplace
Professionalism

• Acting professionally is an important part of any work environment and is a major part of your career growth.

• Professional behavior and attitudes often play a critical role in who gets hired and promoted, as well as in who gets fired and demoted.

If you want to have a successful career, you MUST know how to act professionally!
Definition of Professionalism

• Webster’s Dictionary defines it as, “the conduct, aims, or qualities that characterize or mark a profession or a professional person.”

• That sounds nice but what does that mean??
  • There is much more to being a professional than simply acquiring training and skills
  • Professionals have earned the respect of their colleagues, patients, and everyone around them
5 Keys for True Professionals

1. Character
2. Attitude
3. Excellence
4. Competency
5. Conduct

❖ These categories include things like respecting others, the ability to work as part of a team, and the way you present yourself at all times.
Professional Behavior

Written or verbal communication, including email:
• Use proper grammar, and no slang or abbreviations
• Be conscious of your tone, especially how something could be perceived when emailing
• Be careful of raising your voice or acting on emotions. People often do or say things driven by the spur of the moment that they later regret
• Avoid references to anyone’s personal characteristics such as nationality, race, gender, appearance, and religious or political beliefs. Personal situations or problems should also stay out of the workplace
Professional Behavior (con’t)

Written or verbal communication, including email (con’t):

• Be ready at all times. Being a professional is being on time and ready to work.
• Never speak badly about a patient, co-worker, or supervisor. Your comment will eventually reach the person you spoke about.
• Lying – being deceitful or dishonest will tarnish your reputation for life if you get caught. It’s just not worth it!
Professional Dress

If you come to work sloppily dressed, your looks will portray an image of a disorganized employee.

✓ Keep yourself covered (keep undergarments under your garments)
✓ Moderate jewelry (limit piercings to ear lobes - one earring in each ear only)
✓ Nicely styled hair and moderate makeup
✓ No perfumes or potentially offensive smells (i.e. cigarette smoke, etc.)
✓ No visible tattoos
Professionalism is Important!

- Almost every organization has a list of core values that they view as vital to their success
- Take some time to find out what those values are before you start a clinical placement
- Remember, a clinical placement can really be the first step to an employment opportunity in the future! It’s your first chance to show that you have the potential to be a professional employee.
Congratulations!!

You have completed the HIPAA and Compliance Learning Module.

Please be sure to also complete the Infection Prevention/Bloodborne Pathogens/Isolation Precautions/Safety Learning Module.