Learning Objectives

- 1. Understand HIPAA basics of patient information disclosures – Review a Notice of Privacy Practices
- 2. Understand how HIPAA affects state laws/rules on mandatory disclosures
- 3. Understand how documentation of disclosures of patient information is essential to medical record management
HIPAA Classic

- Protected Health Information (PHI)
- Patient Rights under HIPAA
- Sharing PHI with other organizations
- Requirement to post a Notice of Privacy Practices

HIPAA Classic – Protected Health Information

- Name
- Date of birth
- Social security
- Medical record #
- Insurance #
- Photo
- Finger prints
- Admission / discharge
- Internet / email address
- Birth year – over 89y/o
- Address
- License #
- Phone #
- Fax#
- Anything that identifies a person
HIPAA Classic – Patient Rights

- Access to medical and billing records
- Amendment to medical records
- Confidential communications
- To restrict disclosures of medical records
- Breach notification
- Receive a copy of Notice of Privacy Practices
- Accounting of Disclosures

HIPAA Classic – Sharing PHI
For Treatment, Payment and Operations
TPO

- T – Other health care providers treating the patient or involved with care
- P – Insurance companies and others involved in paying for health care
- O – Medicare, Quality Review Organizations
GAT:LS2 I would list additional operations activities here. Medicare could also be under payment so that is a bit confusing.

Greer, Anne T :LSO Legal Services, 4/25/2016
HIPAA Classic – Notice of Privacy Practices (NPP)

- All covered entities required to have an NPP
- Required to provide a copy to patients
- Required to post in prominent areas
- Describes how organization uses and discloses patient Protected Health Information

Let’s See

- Work for a hospital or hospital group
- Work in a health care clinic
- Work for an insurance company or other payer
- Work for an organization that supports health care entity (business associate)
- Student
- Other
Let’s See

- If you have read your organization NPP – sit down
- If you have read any NPP – sit down
- Ok you can all sit down

Accounting of Disclosures

Patient right to have a list of all the places / organizations that received PHI, including a copy of patient medical records.

- Currently we DO NOT have to provide a list of organizations receiving PHI for TPO purposes
  > TPO = Treatment, payment or operations
- On request, we must provide a list of all other places PHI was sent (except for authorized disclosures)
  > Authorized by patient vs. mandatory reporting
Accounting of Disclosures

- May come as an Accounting of Disclosure request
  > Form
- May come as a verbal request
  > Did you send my records to …
- May come as part of a subpoena request
  > With specific individuals or organizations
  > List of those that got records

Authorized by the Patient

- Signed authorization forms
- Signed patient request forms
- Documentation of patient request for records
- Documentation of when and what was sent to whom
Authorized by the Patient – Records sent to:

- An attorney
- An employer
- Social Security
- Disability insurance company
- School

Not Authorized by Patient but Required by Law

Mandatory Reporting

- Long list of situations and patient conditions that health care organizations are required by law to report.
- Oregon Association of Hospitals and Health Systems (OAHHS) has a list of mandatory reporting required for hospitals and health care entities
Mandatory Reporting in Oregon

- Obvious or Suspected abuse
  - child abuse or neglect
  - elder abuse or neglect
  - individuals with developmental disabilities
  - abuse/assault of an adult if a child is present
  - infant tests positive for drugs
- Wounds from deadly weapons
- Suspicious deaths – death with 24 hours of admit

Mandatory Reporting in Oregon

- Blood alcohol / controlled substance for driver involved in MVA in Oregon
- Disease reporting
- Dog bites
- Impaired driver
- Birth / death
- POLST
### Mandatory Disclosures

- Data reporting - Registries
- Immunizations
- Vaccine or medications adverse events
- Injuries from medical devices
- Reporting of unprofessional behavior

### Other Disclosures

- Disclosures to law enforcement
  > Must follow HIPAA requirements
- During an emergency or natural disaster
- To prevent serious and imminent threat to person(s) self or organization
So Now What?

- Review department procedures
  - Forms for patient requests
  - Forms for authorized releases
  - Tracking what was released

- Written procedures for different types of releases
  - Patient requests
  - Authorizations
  - Subpoenas
  - Abuse reporting and investigations
  - Employee investigations by licensing boards

So Now What?

- Partner with Compliance / Privacy official
- Meet with nursing leadership
- Meet with computer department to review capabilities of software

  - Review mandatory reporting by organization
  - Review documentation of reporting
  - Develop a game plan for managing disclosures
So Now What?

- Develop inventory of mandatory reporting required by your organization
- Identify who in your organization reports and to whom
- Determine how the disclosures are documented

So Now What?

- Realize that the regulations change
  > Active review of what Accounting of Disclosures a patient may request
  > Time frames may change
- Stay in touch with your compliance department
- Read your Notice of Privacy Practices
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Questions??????
Thank you!