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Complying with HIPAA regulations without impacting patient outcomes

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Objectives

- HIPAA
- PHI
- Language of healthcare security
- Role of a Privacy Officer
- Role of A Security Officer
- Tools to Protect
- Decision making
- Rule Compliance
- HIPAA Violations



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Mercy Health Partners
Southwest Ohio

- Five Acute Care Community Hospitals
- Region of Catholic Healthcare Partners ,
32 hospitals
- Long Term Care Centers
- Health and Wellness Centers
- Social Service Agencies
- Urgent Care Centers



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Mercy Health Partners Southwest Ohio

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What is HIPAA?

- **Health Insurance Portability and Accountability Act of 1996**
- **Main Purpose:**
 - Making health insurance more portable
 - Making the health care system accountable for costs.
- **Focus has turned to:**
 - Increased concerns about misuse of patient's health information, hence the inclusion of privacy and security provisions.
- HIPAA as implemented has four health information standards, and four associated "rules":
 1. Standardized formats for all computer-to-computer information exchanges (the "transaction standard");
 2. Standardized "identifiers" for health providers, plans and patients;
 3. Information system security standards
 4. Privacy standards.

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What is PHI?


- HIPAA regulations define health information as "any information, whether oral or recorded in any form or medium" that
 1. "Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse"; and
 2. "Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual."
- ePHI stands for Electronic Protected Health Information. It is any protected health information (PHI) which is created, stored, transmitted, or received electronically.

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Basic Definitions


- **Privacy**
 - the state of being free from intrusion or disturbance in one's private life or affairs: **the right to privacy.**
- **Confidentiality**
 - limited to persons authorized to use information, documents, etc.,
- **Security**
 - something that secures or makes safe; protection; defense.



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Role of an HIPAA Privacy Officer


- Every Healthcare organization is required to declare a HIPAA Privacy Officer
- Establishment & Enforcement of Policy
- Develop User Education
- Provide Operational Guidance and Rule Interpretation



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Role of an Information Security Officer

- Every Healthcare organization is required to declare an Information Security Officer
- Oversight – Assess Risk
- Establishment & Enforcement of Policy
- Education – self and staff




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Tools to Protect

- How does one balance the protection of patient information while giving clinicians enough information to treat the patient?

Standard Security Tools


- Firewalls
- Intrusion Protection
- Passwords



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Tools to Protect


- RFID- Ohio Board of Pharmacy
- Facial Recognition
- Fingerprint Biometrics
- Laptop Encryption
- PDA Protection



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Decision Making Process

- Is the requested information required to treat the patient?
- Can the information be limited to only what is needed? – Need to Know
- Is this a request for data only? Can it be de-identified?
- If the information is electronic is it encrypted?



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HIPAA Rule Compliance

- Risk Assessments
 - What is the state of the environment?
 - Where are we vulnerable?
 - Remediation
- Audits
 - What policies & procedures are in place?
 - Are they being followed?




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HIPAA Violations

CASE STUDY #1


- The system back up tapes are shipped via UPS every morning to a off site storage facility. One of the containers are mis-delivered. Has the Hospital violated a HIPAA rule?
- **YES** – The hospital should have in place procedure to insure the receipt of the tapes by verifying the delivery with the storage facility.



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Case Study #2


- The hospital participates in a national database for comparative purposes. Can this data be shared?
- **YES** - if the information can be de-identified to the point where the original data can not be tracked back to an individual patient.



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Case Study #3

- A researcher requests patient diagnostic information for a nationwide study of people diagnosed with Congestive Heart Failure under the age of 65. Patient Authorization has not been signed. May it be provided?
- **NO** – The patient would have had to be notified of their enrollment in a study and provided their consent prior to this information being provided.



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Q & A

