



Therapeutic  
Resources

## HEALTH INSURANCE AND PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

HIPAA (1996) REQUIRES THE Department of Health and Human Services (DHHS) to develop and implement standards for the electronic transmission of certain health information and to protect the privacy and security of individually identifiable health information. To this end, DHHS has issued three sets of federal regulations.

1. Transactions: Standards for the content and format of certain electronic transactions, including standard code sets.
2. Privacy: Regulations safeguarding the privacy of an individual's health care information and establishing certain individual rights with respect to the information.
3. Security: Standards for assuring the confidentiality, integrity, and accessibility of electronic health information.

The regulations apply to health plans, health care clearinghouses and health care providers. The compliance date is 4/14/03. Civil and criminal penalties for failure to comply with HIPAA are set forth in statute. Noncompliance with the regulation may result in penalties ranging from \$100 to \$250,000, which could include imprisonment.

### PRIVACY REGULATION

This regulation has three major purposes: a.) to protect and enhance the rights of consumers by providing them access to their health information and controlling the inappropriate use of that information. b.) to improve the quality of health care in the U.S. by restoring trust in the health care system. c) to improve the efficiency and effectiveness of health care delivery by creating a notional framework for health privacy protection.

### PRIVACY POLICIES AND PROCEDURES

Covered entities may not use or disclose an individual's protected health information without permission of the individual except as permitted by the regulation. Protected health information must be reasonably safeguarded from any intentional or unintentional disclosure that is in violation of the regulations. The privacy regulation is expected to be fluid and changing with time. The policies and procedures will be updated and adjusted according to changes in the regulation.

Therapeutic Resources  
PRIVACY POLICIES AND PROCEDURES

- Therapeutic Resources employees shall uphold the policies and procedures defined by each client during orientation. When a general consent to release protected health information for treatment, payment, and health care operations exists, it is the employee's responsibility to identify the client's procedure for completion and submission.
- Authorizations for release of protected health care information for the purpose other than treatment, payment, and health care operations are most commonly processed in the client's medical records department and state laws will be honored for information such as drug and alcohol treatment, HIV, generic and mental health information.
- Reasonable steps must be taken to limit uses and disclosures to the minimum necessary to accomplish the intended purpose.
- Under client's direction, individuals will be provided a Notice of Policy Practices at first point of service delivery. All staff will make a good faith effort to obtain the individual's acknowledgment of receipt of the Notice and Notice will be posted as well.
- All clients have a system in place for filing complaints about protected health information; directions for this should be provided in client's orientation. Otherwise direct these inquiries to the medical records department.
- Therapeutic Resources will train all personnel on the Privacy Policies and Procedures.

## STANDARD PATIENT PRIVACY IMPLEMENTATIONS

- Computer screens should not be open for anyone to see other than the person who needs to process the patient information.
- Do not place the patient's file in public view if it displays information that identifies the patient.
- Consider locking files containing patient information and restrict access to keys.
- The privacy rule explicitly permits certain "incidental disclosures" that occur as a by-product of an otherwise permitted disclosure.
- Safeguard the patient chart by:
  1. Limiting access to certain areas.
  2. Placing the information facing the wall rather than being visible.
- The minimum necessity doctrine applies throughout the facility, including the patient's room and the nurse station
  1. Lower Voices
  2. Limit discussion to the minimum
  3. Ensure areas are supervised
  4. Computer screens should be secured through password protection
  5. Reasonable and appropriate steps to protect the privacy of information that is disclosed via FAX.
- Skilled Nursing Facilities and covered entities must mitigate any harmful effect of a use of disclosure of protected health information that is known.
- Conversations that are necessary about patient care between caregivers should take place away from general visitor areas – i.e., hallways, cafeteria, restroom areas, gift shop, etc.
- If at any time staff feel pressured by friends and neighbors with inquiries about patient information, staff will be able to graciously indicate that current privacy regulations prohibit the sharing of patient information.

## Employee HIPAA Training

The Health Insurance Portability and Accountability Act (HIPAA) is the federal law that establishes standards for the privacy and security of health information. This law requires HIPAA training for all personnel at Therapeutic Resources. Federal regulations also require documentation that each employee has received and read the training information.

By signing and returning this form, I confirm that I have received and read Therapeutic Resources HIPPA Policies and Procedures.

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Employee's name – Print Clearly

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Employee's signature

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Date