

Annual HIPAA Training

Why is confidentiality important?

Our ability to effectively serve our clients is based on trust. One way we maintain that trust is by keeping information about clients, including their status as clients, private. We could not accomplish all that we do without our volunteers. As a volunteer you are part of the Health and Human Services team and help us maintain that trust.

What is HIPAA?

HIPAA stands for: Health Insurance Portability and Accountability Act

Provides the framework for the establishment of:

- A nationwide protection of the confidentiality of health information
- Security standards and
- Standards and requirements for the electronic transmission of health information

What is HIPAA?

- A federal act (law) that sets provisions for use of patient information by health care agencies
- Gives individuals more control and access to their medical information
- A law that protects individually identifiable medical information from threats of loss or disclosure
- Simplify the administration of health insurance claims and lower costs
- Mandates the standardization of electronic data exchange
- Waukesha County Department of Health and Human Services is governed by this law
- HIPAA has three regulation which include the Privacy Rule, Security Rule, and Electronic Data Exchange

What is Protected Health Information (PHI)

PHI is individually identifiable health information relating to information:

- That reveals the physical or mental state of a person's health
- About the payment for the health care services of an individual
- That identifies with reasonable accuracy and speed the identity of a client/patient

PHI is information that can be Written, Verbal, and Electronic and includes:

- | | |
|---|---|
| 1. Name | 7. Social security numbers |
| 2. Geographic subdivisions smaller than a State | 8. Medical record numbers |
| • Street Address | 9. Health plan beneficiary numbers |
| • City | 10. Account numbers |
| • County | 11. Certificate/license numbers |
| • Precinct | 12. Vehicle identifiers and serial numbers, including license plate numbers |
| • Zip Code/Equivalent Geocodes | 13. Device identifiers and serial numbers |
| 3. Dates, except year | 14. Web universal resource locations (URLs) |
| • Birth date | 15. Internet Protocol (IP) address numbers |
| • Admission date | 16. Biometric identifiers, including finger and voice prints |
| • Discharge date | 17. Full face photographic images and any comparable images |
| • Date of death | 18. Any other unique identifying number, characteristic, or code |
| 4. Telephone numbers | |
| 5. Fax number | |
| 6. E-Mail Address | |

Minimum Necessary - When protected health information is used or disclosed, only the information that is needed for the immediate use or disclosure should be made available by the health care provider or other covered entity.

"Need to Know":

- Access to PHI only if it is pertinent to your volunteer position
- Ask yourself "Do I need this information to do my volunteer job?"

Safeguards to Protect Client Information: Administrative, Technical, and Physical Safeguards in place

Administrative Examples

- Policies and procedures
 - Fax cover sheet
 - Use of email

Technical Examples

- Different levels of passwords
- Computer Screen Savers
- Encryption of email/ mobile devices

Penalties for Breach of Client Confidentiality

All of the following may occur:

- Be fined money by the state and/or federal government
- Sent to jail
- Be suspended from volunteering with HHS
- Be terminated from volunteering with HHS

Physical Examples

- Door Locks
- Wearing ID badges
- Installing locks on doors
- Securing buildings and rooms
- Identifying visitors
- Locking file cabinets to protect the organization's property and the PHI
- Clean Desk Policy
 - Client info in locked drawer, never sitting on your desk when you are not present
 - Locking/logging off your computer when you leave your area
 - Shredding unneeded confidential information daily
 - Immediately pulling information from the printer/copier/ fax machines

Civil Penalties	Violation	Penalty	Maximum Penalty
	Individual did not know they violated HIPAA	\$100 per violation, with an annual max. of \$25,000 for repeat violations	\$50,000 per violation, with an annual max. of \$1.5 million
	Due to reasonable cause/not willful neglect	\$1,000 per violation, with an annual max. of \$100,000 for repeat violations	\$50,000 per violation, with an annual max. of \$1.5 million
	Due to willful neglect but violation is corrected within required time period	\$10,000 per violation, with an annual max. of \$250,000 for repeat violations	\$50,000 per violation, with an annual max. of \$1.5 million
	Due to willful neglect but not corrected	\$50,000 per violation, with an annual max. of \$1.5 million	\$50,000 per violation, with an annual max. of \$1.5 million
Criminal Penalties	Penalty	Crime	Prison Time
	Knowingly	\$50,000	Up to 1 year
	Under false pretenses	\$100,000	Not more than 5 yrs
	For profit, gain or harm	\$250,000	Not more than 10 yrs

How and Whom Do You Report a Concern or Violation To?

It is your duty to report any concerns you have about privacy and security

- Tell your supervisor right away
- Supervisor will discuss concern with Acting HIPAA Security and Privacy Coordinator – Sandra Masker 262-548-7940
- The County Security Officer is Allen Mundt
- The County Privacy Officer is Erik Weidig

SCENARIOS

During the course of your regular volunteer duties, you run into another volunteer in the waiting room.

OK to: Converse with the volunteer as you would normally do with other individuals as part of your daily routine.

NOT OK to: Talk about the client you are currently working with or a client you have worked with in the past.

Explanation: Be friendly with other volunteers, but the work you do is confidential. Although you may want to discuss, remember to keep it at a minimum necessary conversation.

You are filing benefit records and notice the name of your next door neighbor.

OK to: File the records, and disregard what you saw.

NOT OK to: Go home and tell your spouse your neighbor uses county services.

Explanation: It is natural to want to discuss one's volunteer activities with family or friends. You should not identify any clients and should take care that identifying characteristics and/or facts are not revealed. Remember to protect your neighbors' information.

You run into a client you work with while grocery shopping.

OK to: Wait for him or her to approach you.

NOT OK to: Approach him to see how he is doing and see if he needs any support.

Explanation: You need to wait for clients to approach you in public settings. The person they are with may not know their friend or family member is receiving services, and the client may want to keep that confidential.

You are scheduled to drive a six-year-old child and your friend wants to come along while you volunteer.

OK to: Encourage your friend to sign up to volunteer with us, or complete a training so that she can ride with you.

NOT OK to: Let your friend come with because she loves children.

Explanation: Your friend does not have clearance to ride with a client. Only staff and volunteers who have completed HIPAA training can work with clients, and this includes even knowing their name or what they look like.

You have paperwork for your volunteer job at home. It includes the name of the client you assist.

OK to: Have it at your house, but keep it covered, locked, or password protected. Shred it once you no longer need it or bring in to HHS to put in the locked shredding bins.

NOT OK to: Leave it lying in the open. Recycle or throw in the trash when it's no longer needed.

Explanation: Try not to have anything about clients written on paper or on a computer screen where others can see it. Keep all client information in a secured, private location. Make sure to shred or burn once complete. Throwing it in the trash is not an option!

A fellow volunteer that you work with has heard that one of his neighbors is being assessed by an ADRC volunteer. He asks if you could find out if it is true or not.

OK to: Converse with fellow volunteers about your specific job duties being careful to protect PHI.

NOT ok to: Discuss clients you serve or volunteer with, with other volunteers.

Explanation: Although this client probably means well, it is a violation of confidentiality and HIPAA to discuss clients with others. Volunteers only need to know the information relevant to do their job.

While at home, you want to email your Waukesha County supervisor an update about a client you are working with to double check your next appointment details with them.

OK to: Send an email to your supervisor from home, but make sure it is either encrypted or you do not use any identifiable information when sending it.

NOT OK to: Use the clients name or any other identifiable health information in a non-encrypted email. Also not ok to leave this information accessible on your computer for others to see.

Explanation: If you send it electronically, make sure the information is protected. This includes any emails with PHI. They should be sent encrypted. If information is stored on your computer, you also need to ensure that the files are password protected, like a locked filing cabinet, so someone else that either legally or illegally used your computer won't be able to access the information.