

UNIVERSITY OF ILLINOIS AT CHICAGO COLLEGE OF NURSING

HIPAA PRIVACY: MANAGEMENT OF PATIENT CONFIDENTIALITY

What is HIPAA?

HIPAA stands for the Health Insurance Portability and Accountability Act of 1996.

The HIPAA privacy regulations are the first attempt by the federal government to standardize national requirements for protecting patient medical records and other personal health information. The privacy regulations do not supersede state confidentiality laws that are more stringent.

HIPAA was initially developed to address portability of health insurance for employed persons. HIPAA also was developed to monitor and decrease healthcare fraud and abuse.

HIPAA later established standards for transmission of electronic health information. To ensure the privacy and security of electronically transmitted health information, HIPAA established the privacy regulations for the protection of patient health information. The privacy regulations became effective on April 14, 2003, and most health care professionals are required to comply with these federal regulations as of that date.

The HIPAA privacy regulations impact the faculty and students at the CON because the College provides health care services at faculty practice sites and bills Medicare for those services. Consequently, the CON is considered part of the University of Illinois at Chicago “covered entity” and is required to manage patient confidentiality appropriately.

HIPAA privacy regulations impact human subject research being done by the College. HIPAA privacy regulations also require privacy education for College faculty, staff and students.

HIPAA benefits for patients receiving health care include the following:

- Patients have a better understanding of how their personal health information is used by a health care facility.
- Patients have more control over their personal health information and how it is shared.
- Patients have a right to access and amend their medical records.

- Patients know that health care providers and facilities need to implement necessary steps to protect their health information and safeguard it from inappropriate use and disclosure.
- Patients understand that health care providers will be held accountable and can incur civil and criminal penalties if patient privacy rights are violated.

What is Protected Health Information?

HIPAA privacy rules define protected health information, PHI, as any information that individually identifies a person as it relates to health, healthcare treatment, healthcare payment and healthcare operations, and is maintained, used or disclosed electronically, on paper or orally.

Treatment includes providing, coordinating and managing healthcare services and any referrals to and related consultation with other professionals about healthcare services.

Payment includes the activities completed by a healthcare provider to obtain or provide reimbursement for healthcare services.

Operations include patient care activities like quality improvement, case management, utilization review, student education programs, business management and other activities that are required for various functions but not directly related to patient care and treatment.

Use is defined as the manner in which healthcare information is maintained, and shared internally for treatment, payment and operations purposes.

Disclosure is defined as the process through which and to whom healthcare information is released.

Protected health information includes: name, address, employer's name, relative's name, date of birth, telephone # and fax #, e-mail address, social security #, medical record #, member or account numbers, certificate or driver's license#, vehicle serial number, voiceprint, fingerprint, photographic images and any other identifying characteristic which may identify someone.

Protected health information excludes individually identifiable health information in College education records of students and employment records held by the College in its role as an employer.

What is the Minimum Necessary Rule?

HIPAA privacy rules dictate that healthcare providers must make a reasonable effort to use, share and disclose the minimum amount of PHI in order to provide patient care and do their jobs. Providers may disclose PHI requested by other healthcare providers if the information is necessary to treat the patient.

What is a Notice of Privacy Practice?

Under the HIPAA privacy rules, a patient receives a Notice of Privacy Practices (NPP) that tells the patient how his/her PHI may be used by the healthcare facility. The NPP also informs a patient of his/her rights. Healthcare facilities are required to provide the NPP to patients on their first treatment date following April 14, 2003 (even if the service is provided electronically), and post the NPP on their website and in prominent locations within the facility. Lastly, healthcare facilities are required to make efforts to obtain written confirmation/acknowledgement of patient receipt of the NPP, and maintain records for a minimum period of 6 years.

What Patient Rights Exist under the Privacy Rule?

- A patient has the right to request a restriction on the use and disclosure of his/her PHI.
- A patient has the right to request to review his/her medical record and get a copy of it.
- A patient has the right to request an amendment to their medical records, although the healthcare facility is not required to agree to the request.
- A patient has the right to request an accounting report verifying certain disclosures of his/her PHI made to outside parties. This excludes permitted disclosures made for treatment, payment and operations purposes, disclosures made to the patient, and disclosure made as a follow-up to a patient privacy complaint and signed authorization for release of PHI. This accounting report includes disclosure of PHI required by law and for public health purposes.

- A patient has the right to request that they be contacted with PHI by alternative methods (i.e., lab reports being called in to the patient's work number rather than the home phone number).

What does HIPAA mean for me as CON faculty and student?

You are required to review and sign a CON confidentiality form addressing the College requirements to maintain protection of health information. Students provide their signed forms to their course instructor. Faculty and staff provide this signed form to their department heads.

You are also required to take reasonable safeguards to ensure protection of health information from inappropriate use and disclosure:

Students are expected to review safeguards with their course instructor and be aware of privacy and confidentiality policies and procedures at facilities they attend for clinical practice. Students are expected to address any concerns about patient privacy with their course instructor.

Reasonable safeguards include locking desk drawers and file cabinets that house PHI, covering PHI when mailing it, restricting conversations about patients to private rooms and offices, logging off computers and keeping passwords confidential, shredding PHI and making sure that patient record information is kept out of public view.

Patients at clinical practice sites will be informed through their Notice of Privacy Practice at admission how to access the privacy officer of that facility, and how to file a privacy violation complaint.

Faculty and students can contact the College of Nursing Compliance and Privacy Officer, Ursula Brozek, at 312-996-8883 with any questions or concerns.