1. Check Your Understanding

9.1 1. B, 2. C, 3. B, 4. B, 5. B, 6. C, 7. B, 8. C, 9. C, 10. C

9.2 1. A, 2. C, 3. D, 4. B, 5. D, 6. A, 7. B, 8. B, 9. B, 10. A

9.3 1. B, 2. A, 3. C, 4. B, 5. D, 6. C, 7. A, 8. D, 9. C, 10. D

9.4 1. B, 2. A, 3. D, 4. C, 5. B, 6. A, 7. A, 8. A, 9. D, 10. C

2 Define:

Access report – report that provides a list of individuals who accessed patient information during a given period

Administrative simplification – HIPAA’s attempt to streamline and standardize the healthcare industry’s nonuniform business practices

ARRA – American Recovery and Reinvestment Act – provides significant funding for health information technology and other stimulus funding, also made important changes to the HIPAA Privacy ans Security Rules

Admissibility – the condition of being admitted into evidence in a court of law

Breach – an unauthorized acquisition access, use or disclosure of PHI that compromises the security or privacy of such information

BA – business associate – a person or organization other than a member of a covered entity’s workforce that performs functions or activities on behalf of or for a covered entity that involves the use or disclosure of PHI

CLIA – Clinical Laboratory Improvement Act – regulates the quality of laboratory testing

Confidentiality – similar to privacy, sharing of private thoughts in confidence with someone else

Complaint – allegation about the entity’s policies and procedures, its noncompliance with them

Consent – the patient’s agreement to use or disclose personally identifiable information for treatment, payment, and healthcare operations

Covered entity – a person or organization that must comply with the HIPAA rule, healthcare providers, health plans, healthcare clearinghouses

Deidentified information – information where personal characteristics have been stripped from it in such a way that it cannot be later constituted or combined to re identify an individual

HHS – Department of Health and Human Services – agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves

DRS – Designated Record Set – any item, collection, or grouping of information that includes protected health

E-discovery – electronically stored data that is obtained and reviewed

Facility directory – a directory of patients being treated in a healthcare facility

FRCP – Federal Rules of Civil Procedure – rules established by the US Supreme court setting procedures for federal court cases

FRE – Federal Rules of Evidence – rules established by the US Supreme Court guiding the introduction and use of evidence in federal court proceedings that are an important benchmark for state and other courts

FTC – Federal Trade Commission – an independent federal agency tasked with dealing with two areas of economics in the United States, consumer protection and issues having to do with competition in business

HITECH – Health Information Technology for Economic and Clinical Health Act – legislation created to promote the adoption and meaningful use of health information technology in the United States, Subtitle D of the act provides for additional privacy and security requirements that will develop and support electronic health information, facilitate information exchange, and strengthen monetary penalties

HIPAA – Health Insurance Portability and Accountability Act – the federal legislation enacted to provide continuity of health coverage, control fraud, abuse in healthcare, reduce healthcare costs, and guarantee the security and privacy of health information

Hearsay – a written or oral statement made outside of court that is offered in court as evidence

Legal hold – a communication issued because of current or anticipated litigation, audit, government investigation, or other such matters that suspend the normal disposition or processing of records

Medical identity theft – the fraudulent use of an individual’s identifying information in a healthcare setting

Minimum necessary – requires that uses, disclosures, and requests must be limited to only the amount needed to accomplish an intended purpose

ONC – Office of the National Coordinator for Health Information Technology – the principal federal entity charged with coordination of nationwide efforts to implement and use the most advanced health information technology and the exchange of the electronic health information

Personal representative – person with legal authority to act on a patient’s behalf

Preemption – the principle that a statue at one level supersedes or is applied over the same or similar statue at a lower level

PHI – Protected Health Information – individually identifiable health information

Red Flags Rule – consists of five categories of red flags that are used as triggers to alert the organization to a potential identity theft

Right to request amendment – request that a covered entity amend PHI or a record about the individual in a designated record set

Spoliation – the act of destroying, changing, or hiding evidence intentionally

TPO – Treatment, Payment, and Operations – the privacy rule provides a number of exceptions for PHI that is being used or disclosed for TPO purposes

Warrant – a judge’s order that authorizes law enforcement to seize evidence and conduct a search

Sale of information – prohibits a covered entity or BA from selling in exchange for an individual’s PHI without that individual’s authorization

3. You should always have the actual language of the HIPAA privacy regulation at your fingertips should questions about interpretations arise.

1. Review Breach Notification. Evaluate the information offered and how to report a breach.

When a breach is first discovered , all the individuals whose information was breached must be notified by first class mail or phone and no more than 60 days. The secretary of HHS must be notified of the breach. Individuals must be given a description of what occurred, the types of PHI that were involved, and the individual takes steps to protect themselves. The FTC will also be notified of the breach.

2. Review Special Topic and choose Health Information Technology. Visit the various sites and summarize your findings as they relate to this chapter.

<http://www.hhs.gove/hipaa/for-professionals/index.html>

Health information technology facilitate’s the Privacy Rule’s right of access from both an individual’s and a covered entity’s perspective. The Privacy Rule requires covered entities to provide access to the PHI requested by the individual.

4. Visit the State of Maine website.

What are the various state laws related to ownership of the health record?

If a patient of an institution licensed as a hospital by the State, after discharge from such institution, makes written request for copies of the patient's medical records, the copies must, if available, be made available to the patient within a reasonable time unless, in the opinion of the hospital, it would be detrimental to the health of the patient to obtain the records.

If an authorized representative for a patient requests, in writing, that a hospital provide the authorized representative with a copy of the patient's medical records and presents a proper authorization from the patient for the release of the information, copies must be provided to the authorized representative within a reasonable time.

A patient or, if the patient is a minor who has not consented to health care treatment in accordance with the laws of this State, the minor's parent, legal guardian or guardian ad litem may submit to a hospital health care information that corrects or clarifies the patient's treatment record, which must be retained with the medical record by the hospital.

Reasonable costs incurred by the hospital in making and providing paper copies of medical records and additions to medical records may be assessed as charges to the requesting person and the hospital may require payment prior to responding to the request. The charge for paper copies of records may not exceed $5 for the first page and 45¢ for each additional page, up to a maximum of $250 for the entire medical record.

If a medical record exists in a digital or electronic format, the hospital shall provide an electronic copy of the medical record if an electronic copy is requested and it is reasonably possible to provide it. The hospital may assess as charges reasonable actual costs of staff time to create or copy the medical record and the costs of necessary supplies and postage. Actual costs may not include a retrieval fee or the costs of new technology, maintenance of the electronic record system, data access or storage infrastructure. Charges assessed under this paragraph may not exceed $150.

Release of a patient's medical records to a person other than the patient or, if the patient is a minor who has not consented to health care treatment in accordance with the laws of this State, the minor's parent, legal guardian or guardian ad litem is governed by section 1711-C.

5. Evaluate/summarize the following website and information that is offered.

<http://www.hhs.gov/ocr/index.html>

OCR protects health information privacy and non discrimination. The website gives information on how to handle complaints about discrimination or violation of the law and take action to fix it dealing with civil rights, health information privacy, and patient confidentiality.

6.Retrieve 2 articles from the internet that have been written in the past year on privacy compliance. Summarize the important concepts. What have you discovered from this search that is not addressed in this chapter?

http://www.ahima.org

http://www.fierchealthcare.com

http://www.healthcareitnews.com

http://www.himss.org

Children’s Privacy Protection Act (COPPA). Apps could be asking for more information than COPPA allows. According to COPPA, videos, photos, or voice recordings of the child may not be collected without consent. It is very important that the parent/guardian of the child understands the privacy policy of the app, check – in app permissions, and inappropriate ads on the app.

Not only do you have to worry about your privacy with medical records but you have to worry about privacy a fun app!

Building a global ecommerce site, you must understand how privacy and customer data pertains to overseas consumers. Customers want to know their privacy is being protected. Cyber safety is a huge problem. Forty percent of mobile shoppers in the Middle East and North Africa have been victims of cyber crimes. Seventy - one percent reported observing digital attacks in their region.

Privacy over the internet happens all over the world. Shopping on the internet is a concern for the safety of privacy and information.

7. Do you think there are problems with any of the HIPAA Privacy rule's exceptions to the authorization requirement?

No, good reason for the information to be used

Do the exceptions minimize patient privacy?

I think the privacy is minimized but I think the information is for good use with the exceptions.

Are there too many exceptions?

There are a lot. As I read through them they are all for good reason.

Are there other exceptions that you would include if you were asked to become involved in revising the law?

no