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-a report that provides a list of individuals who accessed patient information during a given period.

Administrative simplification- as amended by HITECH authorizes HHS to adopt standards for transactions and code sets that are used to exchange health data; adopt standardi identifiers for health plans, health care providers, employers, and individuals for use on standard transactions and adopt standards to protect the security and privacy of personally identifiable health information.

ARRA-the american recovery and reinvestment act, the purpose of this act include the following; to preserve and create jobs and promote economic recovery, to assist those most impacted by the recession, to provide investments needed to increase economic efficiency by spurring technological advances in science and health,to invest in transportatio, environemntal protection and other infrastructure that will provide long term economic benefits, to stabalize state and local government budgets in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

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

Breach-under HITECH the acquistion, acess,use, or disclosure of protected health information in a manner not permitted under subpart E of this part that compromises the security or privacy of the protected health information.

BA-A person or organization other than a member of a covered entity’s workforce that performs functions or activities on behalf of or affecting a covered entity that involve the use or disclosure of individually identifiable health information.

CLIA-established quality standards for all laboratory testing to ensure the accuracy, reliability, and timeless of patient test results regardless of where the test is.

Confidentiality-a legal and ethical concept that establishes the healthcare rovider’s responsbility for protecting health records and other personal and private information from unauthorized use or disclosure.

Complaint-in litigation a written legal statement from a plaintiff that initiates a civil lawsuit.

Consent-a patients acknowledgement that he or she understands a proposed intervention including that interventions risks benefits and alternatives.

Covered entity-as amended by HITECH a health plan, a healthcare clearing house, a health care provider who transmit any health care provider who transmit any health information in electronic form in connection with a transaction covered by this subchapter.

Deidentified information-information where personal characteristics have been stripped from it in such a way that it cannot be later constituted or combined to reidentified an individual; it is commonly used in research.

HHS-the cabinet level federal agency and principal agency for protecting the health of all Americans and providing essential human services, especially for those who are at least able to help themselves

DRS-includes the health records, billing records, and various claims records that are used to make decisions about an individual. HIPAA provisions apply to the DRS. The DRS is broader than the legal health record, which was discussed in chapter 8, because it contains more components than those that would ordinarily be produced upon request.

E-discovery-refers to admendaments to federal rules of civil procedure and uniform rules relating to discovery of electronically stored information; wherein audit trails, the source code of the program, metadata ad other electronic information that is not typically considered the legal health record is subject to motion for compulsory discovery.

Facility directory-a directory of patients being treated in a healthcare facility.

FRCP-rules established by the US Supreme Court setting the rules of the road and procedures for federal court cases. FRCP include electronic records and continue to be very important as benchmarks in how these records can be used in courts, not only federal but state and other courts as well.

FRE-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. FRE governs what and how electronic records may be used and the roles of record custodianship.

FTC-an idenpendent 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-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 facilitateinformation exchange and strengthen monetary penalties.

HIPAA-the federal legislation enacted to provide continuity of health coverage, control fraud and abuse in healthcare, reduce healthcare costs, and guarantee the security and provacy of health information; limits exclusion for pre-existing medical conditions, prohibits discrimantion against employees and dependantsbased on health status, guarantees availability of health insurance to small employers and guarantees renewability of insurance to all employees regardless of size;requires covered entities to transmit healthcare claims in a specific format and to develop, implement, and comply with the standards of the privacy rule and the security rule; and mandates that covered entities apply for and utilize national identifiers in HIPAA transactions.

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

Legal hold-a communication issued because f current or anticipated litigation, audit, governement investigation, or other such matters that suspend the normal dispoistion or processing of records. Legal holds can encompass business procedures affecting active data, including, but not limited to backup tape recycling. The specific communication to business or IT organizations may also be called a hold, preservation order, suspension order, freeze notice, hold order, or hold notice.

Medical identity theft-a type of healthcare fraud that includes both financial fraud and identity theft, it involves either the inappropriate or unauthorized misrepresentation of one’s identity to obtain medical services or goods or the falsifying of claims for medical services ina n attempt to obtain money.

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

ONC-the principal federal entity charged with coordination of nationwide efforts to implent and use the most advanced health information technology and the electronic exchange of health information. The position of National Coordinator was created in 2004, through an Executive Order, and legislatively mandated in the HITECH Act of 2009.

Personal representative-person with legal authority to act on a patients behalf.

Preemption-in law, the principle that a statue at one level supersedes or is applied over the same or similar statue at a lower level.

PHI-identifies an individual or provides a reasonable basis to believe the person could be identified from the information given. PHI can be in any form including electronic , paper, and oral.

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

Right to request amendment-one may request that a covered entity amend PHI or a record about the individual ina designated record set.

Spoliation-the act of destroying, changing, or hiding evidence intentionally.

TPO-treatment, payment and operations- treatment means providing, coordinating, or managing healthcare or health-care related services by one or more healthcare providers. Payment includes activites by a health plan to obtain premiums, billing by healthcare providers or health plans to obtain reimbursement. Operations quality assessment and imporvement, case management reviewof healthcare professionals qualifications insurance contracting, legal and auditing functions and general business managemnt functions such as providing customer service and conducting due diligence.

Warrant-a judges order that authorizes law enforcement to seize evidence and conduct a search.

Sale of information-prohibits a covered entity or BA froms elling (receiving direct or indirect compensation) in exchange for an individuals PHI without that individuals authorization.

3. You should always have the actual language of the HIPAA  privacy regulation at your fingertips should questions  about i**nterpretations** arise. yes

  1. Review Breach Notification. Evaluate the information offered  and how to report a breach. Need to report it no later than 60 days after happening. The covered entity must submit the notice electronically by clicking on the link below and completing all of the required fields of the breach notification form.

   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>

 It is about keeping records of patient health.being more accurate and can communicate better.

4. Visit the State of Maine website.

 What are the various state laws related to ownership of the health record?records shall be preserved either on paper or by electronic/optical means if patient is a minor the record must be retained for at least 6 years past age of majority. Records must be secured in a manner that provides protection. Provider must let you see or give you a copy no later than 30 days after request. Health care provider is allowed to charge a fee for copy of record and postage if mailed and a provider can deny request to amen records.

5. Evaluate/summarize the following website and information that is offered. It is the office for civil rights. Offers information on how to file a health information or civil right violation complaint.

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

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? The important concepts is protection of a patients health information. Have to becareful of cyber attacks and medjacking which is unrestricted access. All medical practices should have a healtcare complaince officer to ensure your claims are processed clean and complaint and to decrease the risk of malpractice claims and insurance fraud and abuse.

[http://www.ahima.org](http://www.ahima.org/)

[http://www.fierchealthcare.com](http://www.fierchealthcare.com/)

[http://www.healthcareitnews.com](http://www.healthcareitnews.com/)

[http://www.himss.org](http://www.himss.org/)

7. Do you think there are problems with any of the HIPAA  Privacy rule's exceptions to the authorization requirement? Yes because it leaves too much room for error. Some information can be disclosed without patients consent.

Do the exceptions minimize patient privacy? Yes they do

Are there too many exceptions?yes

Are there other exceptions that you would include if you were asked to become involved in revising the law?No I believe they have pretty much every scenerio covered except I would require patient or authorized person consent for every release of information no matter what.