

OVERVIEW

In 1996, Congress enacted the **Health Insurance Portability and Accountability Act (HIPAA)** for the purpose of developing national patient record privacy standards. HIPAA has requirements that entities like doctors, hospitals, and health plans have to follow. HIPAA also has requirements that we, as individual health care workers, have to follow as well. HIPAA is a federal law that protects the privacy of a person's health information, making health care communication confidential. HIPAA's privacy section applies to the protection of all individually identifiable health information in all forms, including oral, written, and electronic communication. The HIPAA privacy rule creates the first national standard to protect individual's medical records and other personal health information.

HIPAA affects nearly everything we do in health care so it is vitally important to understand it. HIPAA includes serious fines, penalties, and sanctions if we carelessly or intentionally violate it. Yet HIPAA actually shields you from liability as long as you are careful, act in good faith, and meet HIPAA's basic legal requirements.

HIPAA TERMS

Confidentiality- A means of protecting health information and safeguarding it from unauthorized distribution.

Consent – A patient's agreement with the release or disclosure of personal health information.

Covered Entity – any doctor's office, clinic, hospital, nursing home, or other entity that is covered under HIPAA law. Nearly every health care provider in America is a Covered Entity.

Protected Health Information (PHI) – refers to a patient's medical (and billing) records that are "protected" under HIPAA. PHI can be any individually identifiable information about a patient's health or condition, past, present, or future. PHI can be in any form: written, electronic, printed, recorded, photographed, or oral data that can be used to identify a patient's health.

Minimum Necessary Rule (Need to Know) – a HIPAA requirement that we must only use or disclose the PHI necessary to do a particular job or task. Provide information or discuss a patient with someone who only has a specific reason, or need, for the information and provide only what is necessary.

Notice of Privacy Practices (NPP) – a special printed notice that HIPAA requires Covered Entities to give to their patients. The NPP tells patients about how their PHI may be used or disclosed by the Covered Entity, and it tells patients about their HIPAA rights and how to use them.

TPO- an exception to Minimum Necessary Rule (Need to Know.) HIPAA states that when treatment, payment, and health care operations (TPO) are necessary, we do not have to limit PHI to the minimum necessary. PHI may be used and disclosed without the patient's written authorization. Physicians, nurses, and other caregivers may use PHI needed to treat patients.

BASIC REQUIREMENTS

All Covered Entities, regardless of size, are required under HIPAA to do certain, basic things to be compliant with the law. Covered Entities are generally required to:

- Provide information to patients about their privacy rights and how their information may be used (Notice of Privacy Practices).
- Adopt clear privacy and security policies and procedures.
- Train employees on the basics of HIPAA and the organization's own HIPAA policies and procedures.
- Designate an individual to be responsible for HIPAA compliance and for resolving patient complaints.
- Secure patient records so they are protected from misuse or inappropriate disclosure.
- Keep records of certain kinds of disclosures or releases of patients' PHI.
- Retain most HIPAA compliance documents for a minimum of six years.
- Adopt general physical safeguards to protect the facility and patient privacy and security.

Hipaa Training Manual

Supremus Group LLC

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