

Continuum Health Partners, Inc.  
HIPAA PRIVACY COMPLIANCE  
SOME BASIC INFORMATION

The following information provides you with a basic knowledge of the main elements of the HIPAA Privacy Rule-and how you can continue to help to protect our patients' health information. **Your supervisor or manager may also be providing you with additional training if your job position requires it.**

As you learn about HIPAA, keep in mind that we are **all** responsible for insuring compliance with the Privacy Rule. The importance of HIPAA may be reinforced for you when you remember that we (and our family members and our friends) are **all** patients at some time in our lives-and we all want our personal health information handled appropriately.

### **What is HIPAA?**

The Health Insurance Portability and Accountability Act of 1996 (commonly known as **HIPAA**) is an important law that affects how Continuum Health Partners handles confidential health information. The main aspects of the HIPAA Privacy Rule are:

- New restrictions on how personal health information is used and disclosed
- Greater patient access to his/her medical records
- Increased protection of patient medical records

Continuum must be in compliance with the HIPAA Privacy Rule by April 14, 2003. For more than two years many people throughout Continuum have been working to make sure that we meet our Privacy Rule compliance on time. One of the ways continuum is meeting HIPAA requirements is by providing training to all staff (doctors, nurses, administrators, security, medical records, finance, environmental services, volunteers, and so forth) throughout Continuum (hospitals, clinics, faculty practices, administration).

### **Don't we already handle health information confidentially?**

Absolutely! We're all familiar with the fundamental importance of confidentiality in providing and documenting health care services. It is a basic expectation that every person at Continuum helps to ensure the patient confidentiality. Rules and regulations, such as those of the New York State Department of Health and the Joint Commission of Accreditation on Healthcare Organizations (JCAHO), underscore the importance of confidentiality. AS you know, Continuum's **Code of Conduct** and policies and procedures help to define the responsibilities each of us has in maintaining patient confidentiality. However, the HIPAA Privacy Rule is the first **federal** law that addresses the ways in which we protect patient confidentiality and private health information.

### **Who has to comply with HIPAA?**

As a health care provider, Continuum is considered a "**covered entity**", which means we must comply with all HIPAA regulations. Other covered entities include health plans, healthcare clearinghouses, and "**business associates**" (contracted vendors).

Under HIPAA, when Continuum shares patient information with contracted vendors such as transcription services or billing companies, they become "business associates" and must also follow HIPAA rules. **Continuum's "business associate agreements"** (contracts) with these vendors must include acknowledgement of HIPAA compliance.

### **What is "Protected Health Information"?**

The HIPAA Privacy Rule requires that Continuum take specific steps in how we handle personal health information. When a patient provides us with any personal health information, under HIPAA it becomes **Protected Health Information (PHI)**. Remember that PHI is more than just what is contained in the patient's medical record. **Spoken, written, recorded, and electronic information** is all PHI if it connects health and patient information.

PHI cannot be used or disclosed by anyone unless it is permitted or required by the Privacy Rule. When people first learned about the HIPAA Privacy Rule, they were afraid that the law would make it impossible for healthcare workers to continue doing their jobs effectively and well. This is not the case! **In most cases, we can continue to use PHI as we currently do when the patient information is needed for treatment, hospital operations and/or payment.**

Whenever we are going to use or disclose PHI for purposes other than treatment, payment or hospital operations, we must get a **signed authorization form** from the patient. Continuum is already doing this, although we know it as getting a patient's **consent**. The authorization form must contain clear information on what PHI will be used/disclosed, a patient's right to cancel the authorization, and expiration date of the authorization.

### **How is Continuum complying with the Minimum Necessary Rule?**

We do need to make sure we are careful with how we use and share PHI. Basically, disclosure of PHI must be limited to the least amount needed to get the job done right. This is called the **Minimum Necessary Rule**. Continuum is working to revise policies and procedures to make sure that we share the least amount of PHI necessary. For example, the patient lists that are distributed to various staff are being reviewed to ensure that PHI is not shared with anyone without a reason to have it.

### **Why is the "Privacy Notice" so important?**

Under the HIPAA Privacy Rule, When patients first receive healthcare services, they must receive a notice of their rights concerning the use/disclosure of their PHI. They must also be informed of the covered entity's responsibilities relating to PHI. This information is very important and is known as the **Privacy Notice**.

The Privacy Notice must:

- Be provided to the patient in print
- Contain information on the patient's rights and the covered entity's legal duties
- Be displayed at the site of service and posted on a web site if possible.

We must make an effort to get from our patients a **written acknowledgement** that they have received the Privacy Notice. Copies of all privacy notices and patient acknowledgments must be kept. Whenever there are any changes in Continuum's privacy practices, we will need to produce new Privacy Notices. Continuum staff will also be notified whenever such changes occur.

The use of the Privacy Notice is one of the major changes being introduced by the HIPAA Privacy Rule. Everyone should know what Continuum's Privacy Notice looks like and why it is important.

### **What can patients do if they feel their PHI has been mishandled?**

Patients who feel their PHI has not been used or disclosed appropriately can make a complaint about their concerns. At Continuum, we should direct these patients to either the **Patient Relations Department** or the **Site-Specific Privacy Officer**. Remember, there are serious civil and criminal penalties for HIPAA

noncompliance for individuals and the institutions. **If you have any questions or concerns about your compliance with the HIPAA Privacy Rule, speak to your supervisor or the Privacy Officer for your site.**

### What's Next?

You may be wondering "What's Next?" with HIPAA. You will receive additional training if your position is affected by any changes in policies and procedures due to the Privacy Rule. Your manager or supervisor will notify you of any job-specific training, and in most instances will provide that training.

Keep in mind that we are already dealing with our patients' confidentiality in ways that meet HIPAA requirements. Basic HIPAA information is already part of your Core Competencies and you will be reviewing this information annually.

Also, whenever there is anything new or changed about HIPAA, you will receive training and/or notification- this may be done through Continuum-wide newsletters (such as "**HIPAA Update**" or "**Spotlight On...**") or through departmental in-services.

In the near future, you will be receiving more information on HIPAA's **Security Regulations**. The Security Regulations will help us safeguard the integrity and availability of health information. System-Wide access and Individual access to health information are being carefully reviewed and will be modified to meet HIPAA requirements. You should already been practicing ways to ensure the security of our patients' health information, such as not sharing your computer password, closing your computer when leaving your workstation, or making sure your computer screen is not easily seen by others.

### It's the Right Thing To Do.

We're all responsible for making sure that Continuum is "HIPAA compliant" by April 14, 2003. We need to know and feel comfortable with the Privacy Rule. We're already doing do much to ensure our patients' confidentiality – being HIPAA compliant shouldn't mean big changes for any of us. Remember protecting our patients' health information is the **Right Thing To Do**.

If you have any questions about the HIPAA Privacy Rule, speak with your manager/supervisor or check with the privacy Officer for your site. You can also contact Continuum's Privacy Officer or Information Security Officer:

**LOUIS SCHENKEL**  
**Continuum Privacy Officer**  
**(212) 523-2162**

**HOWARD KAPLAN**  
**Continuum Information Security Officer**  
**(212) 523-7019**

Name

**Signature** \_\_\_\_\_

Date