HIPAA

CONFIDENTIALITY

ABUSE, NEGLECT AND EXPLOITATION

Version 2.0 (7/1/2022)

What is HIPAA?

This Photo by Unknown Author is licensed under CC BY-SA-NC

In 1996, the *Health Insurance Portability and Accountability Act* or the HIPAA was endorsed by the U.S. Congress.

The HIPAA Privacy Rule provided the first nationally-recognizable regulations for the use/disclosure of an individual's health information.
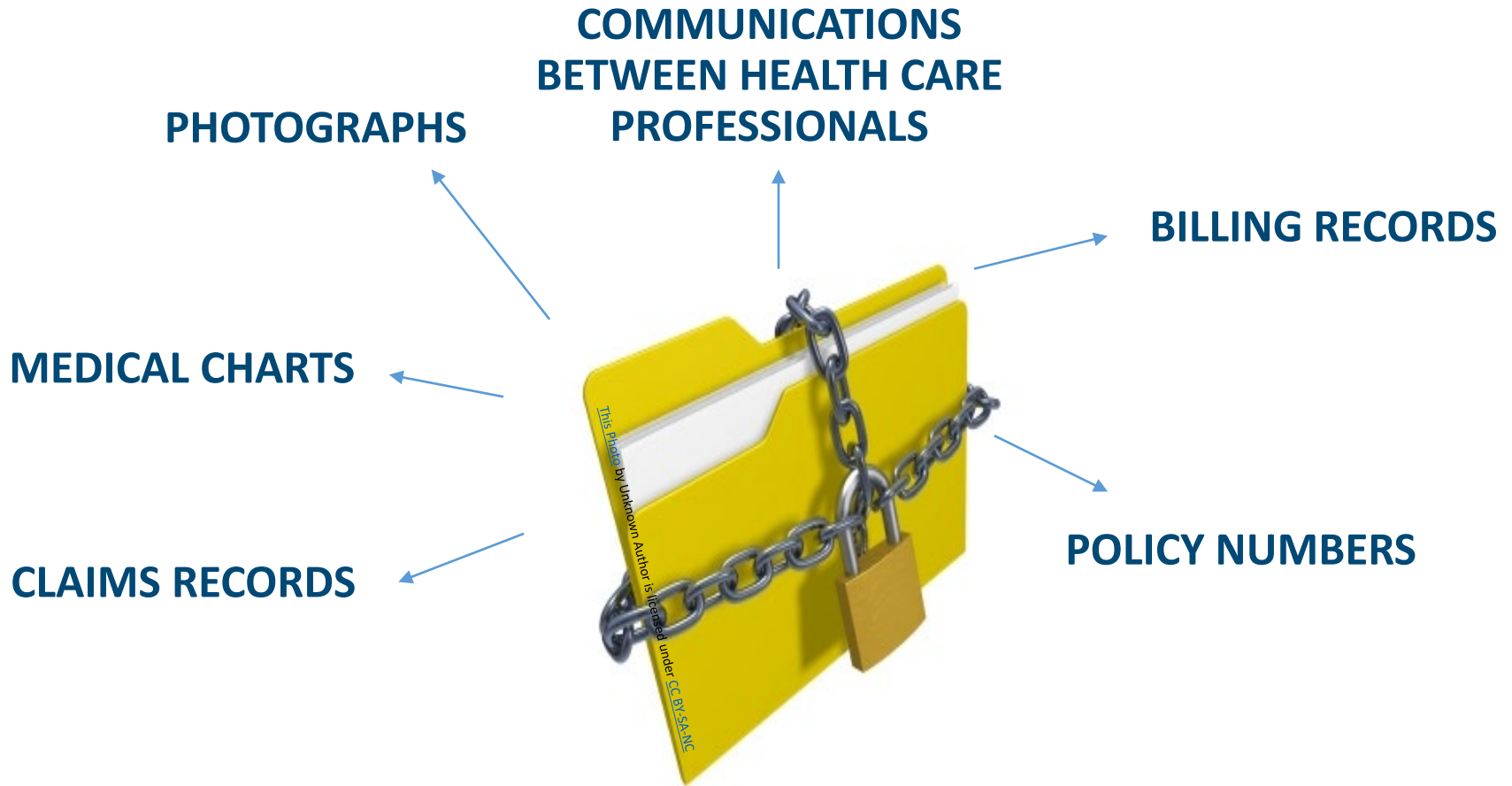
Privacy Rule

The Privacy Rule, introduced in 2003, gave a definition of what is to be treated as "Protected Health Information" (commonly referred to as PHI).

This definition includes any piece of information that could be viewed as "Individually Identifiable Health Information" (IIHI).

Keeping PHI **SAFE**

What are Examples of PHI?

COMMUNICATIONS BETWEEN HEALTH CARE PROFESSIONALS

PHOTOGRAPHS

BILLING RECORDS

MEDICAL CHARTS

POLICY NUMBERS

CLAIMS RECORDS

This Photo by Unknown Author is licensed under CC BY-SA-NC

Who Needs Training and Why?
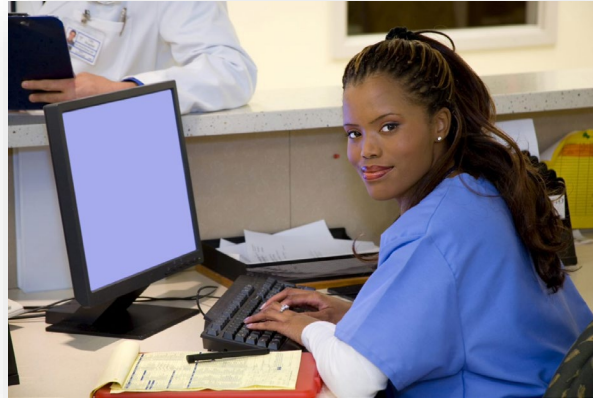
<u>HIPAA</u>

Regulations

Policies and procedures

PHI Training Today

Who Helps Regulate PHI?

HIPAA Privacy Officer/Chief Privacy Officer (CPO)

The HIPAA Security Rule mandates that every practice or health care organization that creates, stores, or transmits ePHI, must designate a privacy compliance officer regardless of their size.

Examples of Direct/Indirect Identifiers

|			
Names	Telephone Numbers	Addresses	Social Security Numbers
Fax Numbers	Email Addresses	Medical Records	Health Insurance Numbers/IDs
Account Numbers	Certificate or License Numbers	Device Serial Numbers	Photographs

How HIPAA Protects PHI

A central aspect of the Privacy Rule is the principle of "minimum necessary" use and disclosure.

- HIPAA limits who may use or disclose PHI

- Limits the purpose for which PHI may be used or disclosed

- Limits the amount of information that may be used or disclosed (Minimum Necessary rule)

- Requires use of safeguards over how PHI is used, stored and disclosed.

This Photo by Unknown Author is licensed under CC BY-NC-ND
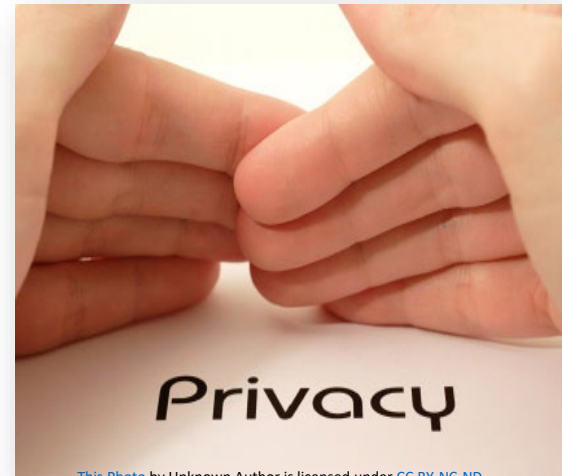
This Photo by Unknown Author is licensed under CC BY-SA-NC

Avoid!

❑ Discussing PHI in front of others who do not need to know.
❑ Leaving records accessible to coworkers or others who don't need to see them
❑ Positioning monitors where others can view them

This Photo by Unknown Author is licensed under CC BY-SA

❑ Using printers located in public or unsecured areas
❑ Saving information on a CD, floppy disk, USB thumb drive or other removable media
❑ Posting pictures of work setting on social media

You Should….

- Use fax cover

- Encrypt emails

- Use shredding bins

What are the Consequences?

This Photo by Unknown Author is licensed under CC BY-SA

May face a criminal penalty of up to **$50,000** and up to **1 year** imprisonment.

The criminal penalties increase to **$100,000** and up to **5 years** imprisonment if the wrongful conduct involves false pretenses, and to **$250,000** and up to **10 years** imprisonment if the wrongful conduct involves the intent to sell, transfer, or use identifiable health information for commercial advantage, personal gain or malicious harm.

Dignity

Respect

Safe

Free of abuse, neglect, or exploitation

SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES
Healthy Connections
MEDICAID

What is a Vulnerable Adult?

Any person, age 18 and above, who has a physical or mental condition that substantially impairs the person from adequately providing for his/her own care or protection.

A resident of a facility or a person, age 18 and above receiving services from a contracted provider agency is considered a vulnerable adult.

INTEGRITY
RESPONSIBILITY
COURAGE
PRUDENCE
OFFICER
TRUST

© Thinkstock.com

Waiver Case Management providers are all **mandated reporters** and are required to report any suspected **Abuse, Neglect, or Exploitation (ANE)** in accordance with agency policy and state law.

Failure to report may constitute abuse and may result in termination of employment and prosecution.

Abuse, Neglect and Exploitation Training

To ensure statewide consistency in the overall content of training, the South Carolina Department of Disabilities and Special Needs (SCDDSN) requires the use of training materials developed by the USC Children's Law Center and the Adult Protection Coordinating Council (APCC).

http://www.ddsn.sc.gov

Additional resources may be found on the National Center on Elder Abuse Website:

http://www.ncea.aoa.gov/Resources/Publication/docs/NCEA_LTCF_ResearchBrief_2013.pdf

http://www.ncea.aoa.gov/Resources/Publication/docs/NCEA_WhatYouMustKnow2013_508.pdf