

THE HIPAA PRIVACY RULE ... FOR THE HAM RADIO COMMUNICATOR

Presented by Ken Cohen-KI6HRH

1

- ◆ The Ham Radio EMCOM community is committed to protecting the privacy and integrity of the patients' health information committed to our care.
- ◆ The HIPAA Privacy Rule recognizes the importance and value of this commitment.
- ◆ This session will help us continue to do our part in protecting privacy.

2

OUR COMMITMENT TO PRIVACY

- ◆ *This session will help us continue to do our part in protecting privacy.*

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT



3

BACKGROUND Regulations

- ◆ The Privacy Rule was adopted under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- ◆ The date for compliance is April 14, 2003.


4

OVERVIEW

*What this means to you
and the patients we serve!*

The privacy rule gives patients more control over their Protected Health Information (PHI). So you need to know...

- ◆ Patients' rights regarding the use of their PHI;
- ◆ Key terms and general rules that you can apply; and,
- ◆ When you can share patient information and when there are limits to what can be used or shared.



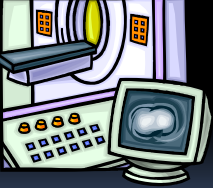
5

OVERVIEW

Patient Rights

The Privacy Rule gives patients the right to:

- ◆ have their PHI protected; inspect and copy their records;
- ◆ request that PHI in their records be corrected or changed;
- ◆ ask for limits on how their PHI is used or shared;
- ◆ ask that they be contacted in a specific way, such as at work and not at home;
- ◆ get a list of disclosures made of their PHI.



6

KEY TERMS
What is Protected Health Information? (PHI)

Protected Health Information (PHI) includes all of the following:

- ◆ Names
- ◆ Address Including Zip Codes
- ◆ All Dates
- ◆ Telephone & Fax Numbers
- ◆ E-mail Addresses
- ◆ Social Security Numbers
- ◆ Medical Record Numbers
- ◆ Health Plan Numbers
- ◆ License Numbers
- ◆ Vehicle Identification Numbers
- ◆ Account Numbers
- ◆ Biometric Identifiers
- ◆ Full Face Photos
- ◆ Any Other Unique Identifying Number, Characteristic or Code

7

KEY TERMS
Protected Health Information,
Use and Disclosure

Protected Health Information (PHI) includes information:

- ◆ sent or stored in any form;
- ◆ that identifies the patient or can be used to identify the patient;
- ◆ that is created or received by a covered entity;
- ◆ that generally is about a patient's past, present and/or future treatment and payment of services.

Use: generally refers to how PHI is handled by us.
Disclosure: generally refers to how PHI is shared externally.

8

KEY TERMS
Covered Entities

"Covered entities" is a term under the regulations that includes:

- ◆ Health care providers at any credibly identified medical entity, including doctors, nurses, therapists, and people who transmit information electronically and where they work, such as hospitals clinics and Ham Radio communicators;

9

OPERATIONS
Written Permission IS NOT Needed

- ◆ For law enforcement.
- ◆ To medical examiners and funeral directors.
- ◆ To avoid threats to health and safety.
- ◆ For emergency communications in times of local or national disaster.

10

PSYCHOTHERAPY NOTES
When Written Permission IS Needed

- ◆ "Psychotherapy notes" are certain notes about a counseling session that are separate from the rest of the patient's medical record.
- ◆ Generally, uses and disclosures of such notes require authorization.

11

GENERAL RULES
Minimum Necessary

- ◆ Generally, the amount of PHI used, shared, accessed or requested must be limited to only what is needed.


For example, when a patient vital signs are required for safe transportation, it does not need the patient's complete medical record.

12

GENERAL RULES
Minimum Necessary – Cont'd.

In some cases, this rule does not apply, such as:

- ◆ When PHI is shared or requested among health care providers for treatment;
- ◆ Disclosures to a patient about his or her own PHI;
- ◆ Authorized uses or disclosures approved by the patient; and,
- ◆ Uses or disclosures required by law or to comply with the privacy regulations.




13

GENERAL RULES
Incidental Disclosures

Incidental Disclosure: generally refers to a sharing of PHI that occurs related to an allowable disclosure of PHI.

An “incidental disclosure” is allowed if steps are taken to limit them.

For example, visitors may hear patient's information as it's transmitted beyond the boundaries of a radio room or overheard by others monitoring our EMCOM frequency.



14

GENERAL RULES
Incidental Disclosures

- ◆ Take all steps or reasonable safeguards to secure and protect PHI when communicating patient information.


For example:

- Repeat message traffic only to addressed party;
- Do not discuss PHI in public hallways or in elevators;
- Secure logs and IC-213's in locked areas or cabinets intended to store PHI.

15

GENERAL RULES
If Protections Are in Place:

- ◆ You can refer to patient conditions in our education programs, without divulging PHI.
- ◆ Communication problems can be discussed to improve quality of delivery and protection of PHI.
- ◆ Messages can be relayed or communicated over designated frequencies, but the message should be limited to minimum necessary and sensitive information should not be used.



16

GENERAL RULES
What About Other Laws?

- ◆ We already follow many other laws, FCC rules and guidelines to protect privacy.
- ◆ Generally, the HIPAA Privacy Rule supersedes contrary state and federal law. But in many cases, multiple rules must be followed.
- ◆ If you have questions about a particular law please contact hipaquestions@arrl.org

17

GENERAL RULES
Penalties for Violating the Privacy Rule

- ◆ The privacy regulations penalties include:
 - ◆ Civil penalties of **\$100 per person for each violation, with a \$25,000 limit per calendar year**
 - ◆ Criminal penalties **up to \$250,000 and 10 years in jail.**
- ◆ **IT PAYS TO FOLLOW THE RULES!**

18

