

PATIENT CONFIDENTIALITY/HIPAA

3 KEY POINTS OF THE HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPAA)

1. **INSURANCE PORTABILITY:** Ensures that individuals moving from one health plan to another will have continuity of coverage and will not be denied coverage.
2. **FRAUD ENFORCEMENT (ACCOUNTABILITY):** Significantly increases the federal government's fraud enforcement authority to reduce health care fraud and abuse.
3. **ADMINISTRATIVE SIMPLIFICATION:** Ensures system-wide, technical and policy changes in healthcare organizations in order to protect patient and resident privacy and the confidentiality of identifiable/protected health information (PHI).

REMEMBER

Personal and health information (PHI) specific to a patient must be kept confidential. PHI may be oral, written, or electronic. Examples of PHI include the patient's name, address, date of birth, phone number, email, social security number, photograph, biometric identifiers, vehicle identifiers, medical records, diagnosis, test results, prescriptions, and billing information.

HIPAA requires that healthcare members use and disclose only the information needed to perform duties. PHI may be shared for **treatment** (with other health care professionals involved in the care), **payment** (with the medical insurer in order to be paid for services), and **operations** (to assess and improve quality of care).

Under HIPAA privacy laws, patients have the right to have their information protected, have their questions answered, receive written notice of how their health information will be used and disclosed, and access their own records. The principle of respect for patient autonomy acknowledges the right of patients to have control over their own life – and this would include the right to decide who should have access to their personal information.

A confidential relationship between provider and patient is essential for the free flow of information necessary for sound medical care. Only in a setting of trust can a patient share the private feelings and personal history that enable the provider to comprehend fully, to diagnose logically, and to treat properly. For conditions that might be stigmatizing, such as reproductive, sexual, public health, and psychiatric health concerns, confidentiality assures that private information will not be disclosed to family or employers without their consent.

In ambiguous situations, asking two questions might be helpful: What would I want if it were my medical information in question? Do I really need to know this information in order to do my job?

When the disclosure of confidential information is required by law or court order, providers generally should notify the patient. Providers should disclose the minimal information required by law and advocate for the protection of confidential information. Always keep the patient's best interest in mind.