

HIPAA – Employee PHI

AGENDA

- ❖ Privacy Rule
- ❖ What is Protected?
- ❖ Use & Disclosure
- ❖ Who Has Access?
- ❖ Privacy Officer
- ❖ Non-Compliance Resolution
- ❖ Right to Authorization
- ❖ HIPAA Sanctions
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Privacy Rule

HIPAA Compliance for employees includes:

- ❖ Procedures and policies to keep PHI private
- ❖ Training for supervisors and employees
- ❖ Notify staff of Privacy Officer
- ❖ Secure protected information



What is protected?

- ❖ Worker's Compensation Information
 - Occurrence and/or medical information
- ❖ Doctor's notes/letters
- ❖ FMLA/LOA request, use, or occurrence
- ❖ ADA related information or papers
- ❖ Verbal disclosures
- ❖ Medical record information



Use & Disclosure

- ❖ Must not be used or disclosed, especially for employment-related purposes
 - (promotions, pay changes, discipline, etc.)
- ❖ Documents should be forwarded to HR and will be retained in a locked cabinet
- ❖ Secure information by sealing and delivering to HR
- ❖ Never leave papers unsecured (desk, lunchroom, bathroom)
- ❖ Lock monitor or shut down computer when away or when others are within viewing distance
- ❖ When necessary, send emails - Need to know basis only!



Who has Access?

“Rule of Thumb”

Disclosure of PHI is on a “Need to Know” basis:

- HR: needs to know so proper FMLA/LOA/ADA paperwork can be sent to the employee
- CEO: may need to know if critical staffing changes will affect the business operations
- Coworkers: do not need to know reason for absence or any medical details
- Patients: no need to know information or absence

Privacy Officer



- ❖ WHO: Theresa Molnau, West Region Clinic Manager
- ❖ WHAT: Ensures adequate separation between the employees medical plan, information, & the organization.
- ❖ REPORTING: Instances of non-compliance must be immediately reported to the Privacy Officer. In consultation with HR, the privacy officer will investigate & determine whether any corrective or disciplinary action is warranted.

Right to Authorization

- ❖ An employee or his/her legal representative, can authorize the organization to release their PHI to others.
- ❖ An employee has the right to revoke an authorization at anytime, except to the extent that we have taken an action in reliance on the use or disclosure indicated in the authorization.
- ❖ All authorizations or revocations must be in writing.




Sanctions

- ❖ As required by law, appropriate sanctions must be applied when staff members (including management & officers) fail to comply with the established policies & procedures.
- ❖ Sanction policies are the penalties that would be imposed on individuals for failure to comply.
- ❖ The severity of a sanction is based upon the potential risk. Other considerations such as repeat offenses, intent, and actual impact also determine sanctions.
 - *Unintentionally speaking too loudly with coworker*
 - *Seeking out a coworker & sharing confidential information*
- ❖ Sanctions can range from retraining, a verbal warning, written reprimand, suspension or immediate termination.
- ❖ Imposed sanctions are determined by the Privacy Officer in consultation with HR and appropriate management.

Possible Sanctions

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- ❖ Verbal warning
 - Minor incidents
 - First time occurrences
 - ❖ Written warning
 - Repetitive or more severe incidents
 - ❖ Unpaid suspension
 - Amount of time depends on severity of the situation.
 - ❖ Termination of employment
 - Malicious intent
 - Serious violation of policies & procedures

Case Study #1

John leaves work in the middle of the day for a family emergency. He tells his supervisor that his wife is having chest pains & he is meeting the ambulance at the emergency room. He isn't sure if it's a heart attack or a complication from her recent cancer surgery.

John's co-worker asks the supervisor why John left the office.

What should the supervisor tell John's coworker?

1. "Please keep it quiet, but John's wife was taken to the ER."
2. "John's wife was having chest pains."
3. "John has left the office for a personal reason."

Answer: #3 John has left the office for a personal reason. Remember – need to know only.

Case Study #2

Sue has been out ill for a few days & tells her manager that she needs surgery for a diseased kidney. She will need to be out for three weeks on FMLA for surgery and recovery time.

What communication action should the Manager take?

1. Send a targeted email to those who need to know stating Sue will not be at work for 3 weeks so please contact her supervisor for any needs.
2. Send out an all staff email letting them know that Sue is out for 3 weeks on FMLA.
3. Send out an email to the immediate group letting them know Sue is out on an FMLA for 3 weeks.

Answer: #1 Send a targeted email to those who need to know stating Sue will not be at work for 3 weeks so please contact her supervisor for any needs.

Case Study #3

Jill, Joe's supervisor, and Karen are talking by the clinical assistant's desk area about their coworker Joe. They are concerned that Joe had an appendicitis and had emergency surgery at United Hospital last night.

What, if any violation, has occurred?

1. Discussing a co-workers medical condition
2. In a non-private area
3. With co-workers; not a need to know

Answer: All of the above

Follow Up/Questions

- Contact a member of human resources if you have follow up questions or concerns.
- Log into MTS to record your attendance and take the brief quiz.



Thank you for attending!