

# HIPAA 101

## VERY Basic Definitions of HIPAA and Related Terms

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### THE BASICS

#### □ What is HIPAA?

- HIPAA: Health Insurance Portability and Accountability Act
- Federal law enacted by congress and signed by President Clinton in 1996
- Title II of HIPAA (known as the Administrative Simplification (AS) provisions):
  - ✦ resulted in national standards for health care transactions
  - ✦ required national identifiers for providers, health insurance plans and employers
  - ✦ meant to protect the privacy and security of patient's health data (in all forms)
- 2 main parts of HIPAA: The Privacy Rule & The Security Rule

#### □ What is a Covered Entity?

- Every health care provider, regardless of size, who electronically transmits any health information is considered to be a "covered entity" (CE) and must comply with HIPAA policies
  - ✦ ex: SLP, PT or OT who electronically transmits PHI directly or uses a billing service to do so

#### □ What is the HIPAA Privacy Rule?

- Federal protection for "individually identifiable health information" held by covered entities (CEs) or their business associates
- This information is referred to as "protected health information" (PHI)
- Gives patients lots of rights re: their PHI – sets rules and limits on who can look at and receive PHI
- Applies to all forms of PHI – electronic, written or oral

#### □ What is the HIPAA Security Rule?

- Specifies a series of administrative, physical and technical safeguards for CEs to use to assure the confidentiality, integrity and availability of electronic protected health information (e-PHI)

#### □ What Information is Protected?

- Information that health care provider includes in a patient's medical record
- Conversations health care provider has about patient's care or treatment with others
- Information about patient in health insurer's and provider's computer system
- Billing information and most other health information about patient that is kept by CEs

#### □ How is this Information Protected?

- CEs must put in place safeguards to protect patient's PHI
- CEs must reasonably limit uses and disclosures to the minimum necessary
- CEs must have contracts with their contractors (sometimes referred to as "business associates") ensuring they use and disclose PHI properly and safeguard it appropriately
- CEs must have procedures in place to limit who can view and access PHI
- CEs must implement training programs for employees, volunteers, interns about how to protect PHI



□ **What Rights Does the Privacy Rule Give Patients Over Their PHI?**

Health insurers and providers who are CEs must comply with a patient's right to:

- Ask to see and get a copy of their health records
- Have corrections added to their health information
- Receive a notice that tells patient how their PHI may be used and shared
- Decide if patient wants to give their permission before PHI can be used or shared for *certain* purposes, such as marketing
- Get a report on when and why patient's PHI was shared for certain purposes
- File complaints if patient believes their rights are being denied or their PHI isn't protected:
  - ✕ With provider or health insurer
  - ✕ With the US Government (Secretary of HHS)

□ **Who Can Look at and Receive A Patient's PHI?**

The Privacy Rule sets limits on who can look at/receive patient's PHI. Health information is protected in a way that does not interfere with patient health care; it can be used or shared:

- For patient treatment and care coordination
- To pay health care providers for patient health care and to help run CE businesses
- With relatives, friends or others patient identifies who are involved with patient's health care or health care bills, unless patient objects
- To make sure health care providers give quality care
- To make required reports to the police (ex: suspicion of child abuse)

PHI cannot be used or shared without patient written permission (unless HIPAA allows it). Without patient authorization, CEs generally cannot:

- Give PHI to patient's employer
- Use or share PHI for marketing or advertising purposes
- Share private notes about patient's health care

**NOTES**

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**Reference, Explanation & Disclaimer for Handout**

This handout ("HIPAA 101") was developed based in part on abbreviated information from a document entitled "HIPAA: For Consumers," retrieved from the US Dept. of Health & Human Services website at <http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.htm> on 08/15/11. This handout was modified to assist small private practice home-based therapists (SLP, OT, PT) in establishing and maintaining compliance with HIPAA. It is only an overview of the basic terms related to HIPAA. Since this handout is NOT an all-compassing description of HIPAA, it does NOT address every detail of the law and should NOT be used as a legal reference or source of information.

