

# HIPAA Overview and Confidentiality Policy

## What does HIPAA mean?

HIPAA is the “**H**ealth **I**nsurance **P**ortability and **A**ccountability **A**ct”

## Who is affected by the HIPAA Privacy Rule?

The Privacy Rule applies directly to three types of "Covered Entities": (a) health plans; (b) health care clearinghouses; and (c) health care providers who conduct certain health care transactions electronically. However, the rule may also effect other businesses and individuals (such as employers who sponsor health plans and lawyers, accountants, consultants and other professionals who work with these covered entities) in an indirect manner. It is often up to the Covered Entity to make sure that the people with whom they do business comply with the Privacy Rule. The penalties for not doing so can be severe. The term 'Staff' in this policy includes all Clinica Esperanza/Hope Clinic (CEHC) employees and volunteers of Clinica Esperanza/Hope Clinic (CEHC).

## What information is subject to the HIPAA Privacy Rule?

The Privacy Rule applies to "**P**rotected **H**ealth **I**nformation" (PHI), which means essentially *any* "individually identifiable" information, whether by conversation or recorded in any form that is created or received by a health care provider/staff relating to the physical or mental condition or the provision of health care to an individual. In addition to the medical record, this can include appointment information, conversations regarding the patient, orders, etc

## Penalties

To ensure compliance with HIPAA and to give the legislation some teeth, it carries some harsh penalties for not being in compliance. Health Centers can face fines of up to \$25,000 for multiple disclosure violations of HIPAA rules within a calendar year, and intentionally violating disclosure rules could garner a fine of \$250,000 and up to 10 years in prison. CEHC considers the protection of private health information paramount. All possible violations will be investigated and may lead to immediate dismissal from employment

## What is Disclosure?

Disclosure is the release, transfer, provision of access to, or divulging of PHI in any manner

## Acceptable Use and Disclosure of PHI

- To the patient
- For treatment, payment, or healthcare operations
- When patient gives permission to tell an individual
- When required for investigation or compliance with HIPAA

## Safeguarding Protected Health Information at Clinica Esperanza/Hope Clinic:

- **You** are responsible for all PHI within your work area
- Talk in a low voice and face the person you are addressing
- Use a private setting whenever possible
- Keep PHI covered and/or lock-down/close-out computers displaying PHI
- Use shredding bins for disposal of PHI, including papers containing “only” demographic info
- Keep the clinical hallways clear
- Give PHI only to those who must have it in order to render care
- Keep phone conversations from being overheard
- Do not leave PHI in voicemail messages
- When off-duty, maintain all PHI obtained at work private
- When off-duty, do not acknowledge people as being patients
- Do not access the charts of family members (including your own family members). Ask your provider or clinical support staff for information instead
- Do not access the charts of friends unless you are directly providing care

- Do not ever give your EMR password to co-workers

**Use and Disclosure of PHI for Involvement in and Notification of the Individual's Care**

- Staff must seek verbal permission to disclose PHI to patient's family or friends and must never be disclosed outside of the work context
- Staff must use professional judgment in disclosing PHI when patient's consent cannot be obtained; err on the side of privacy
- Patients may set restrictions on how and where the PHI will be delivered
- Requests for PHI must be in writing and must be handled through the Nurse Manager.
- Staff must verify the identity of the recipient of PHI

**Complaints/Concerns**

- CEHC provides a process for individuals to make PHI complaints
- The Nurse Manager and Medical Director will be the contact personnel for PHI complaints
- The Nurse Manager will investigate said concerns/complaints
- CEHC Staff who know of a violation will report this violation to the Nurse Manager. Failure to do so may result in dismissal from employment

**Clinica Esperanza/Hope Clinic Policy of Confidentiality**

Confidentiality is, perhaps, the most important principle by which we operate and provide services to patients. Breaching patient confidentiality may have serious consequences for the clinic and you as an employee. A breach of confidentiality may cause the clinic to incur thousands of dollars in fines, diminishes the credibility of the clinic within our community and may bring civil suits against **you**.

'Confidentiality Policy' (Found in our staff policy binder and Volunteer Manual) of CEHC states that disciplinary action, up to and including termination, will be employed for violation of certain rules, including unauthorized disclosure of information contained in personnel, financial, medical or other records of CEHC.

Due to the importance of this policy, we are requiring that all employees and volunteers sign the following declaration annually. This document is an official record, which will be placed in each employee's and volunteer's personnel file.

I have read and understand the above information and the 'Confidentiality Policy'. I have had a chance to discuss the policy before signing this statement. My signature below testifies to this fact.

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**Print Name**

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**Signature**

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**Date**



## Employee Protection (Whistleblower) Policy

If any staff (which includes employees and volunteers) reasonably believes that some policy or activity of Clínica Esperanza/Hope Clinic (CEHC) is in violation of law, a written complaint must be filled out by that staff with the Executive Director, Medical Director, or Board President.

It is the intent of CEHC to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization's goal of legal compliance. The support of all staff is necessary to achieving compliance with various laws and regulations. Staff is protected from retaliation only if the staff brings that alleged unlawful activity, policy, or practice to the attention of CEHC with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to staff that comply with his requirement.

CEHC will not retaliate against a staff member who, in good faith, has made a protest or raised a complaint against some practice of CEHC, or of another individual or entity with whom CEHC has a business relationship, on the basis of a reasonable belief that the practice is in violation of law, or a clear mandate of public policy.

CEHC will not retaliate against staff that disclose or threaten to disclose to a supervisor or a public body, any activity, policy, or practice CEHC that the staff reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in welfare, or protection of the environment.

My signature below indicates my receipt and understanding of this policy. I also verify that I have been provided with an opportunity to ask questions about the policy.

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Signature

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Date

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Name (Print)



## **CLINICA ESPERANZA/HOPE CLINIC (CEHC) SMOKE FREE WORKPLACE POLICY**

To protect and enhance our indoor air quality and to contribute to the health and well-being of all employees, Clínica Esperanza/Hope Clinic shall be entirely smoke free effective 1/1/2011. Additionally, effective 1/1/2011, the use of all tobacco products, including chewing tobacco, is banned from the Clínica Esperanza/Hope Clinic workplace, except as designated in this policy.

Smoking is prohibited in all of the enclosed areas within the Clínica Esperanza/Hope Clinic worksites, without exception. This includes common work areas, the manufacturing facilities, classrooms, conference and meeting rooms, private offices, hallways, the lunchrooms, stairs, restrooms, employer owned or leased vehicles, and all other enclosed facilities.

The only designated smoking area in Clínica Esperanza/Hope Clinic is outdoors, on the far west end of the building, within the fenced-in area. No one may smoke along any pathway or walkway leading to or from the designated smoking area, nor may employees smoke at the picnic tables nor outdoors in any of the grassy areas or the parking lots.

Additionally, employees may smoke in their personal vehicles, but the smoke and tobacco products must be completely contained within the vehicle. It is not acceptable that either smoking or non-smoking employees are subjected to smoke that they must walk through to reach their vehicle or any other destination on the Clínica Esperanza/Hope Clinic premises.

While the Clínica Esperanza/Hope Clinic makes these areas available to smokers, it in no way has any legal responsibility to do so. Employees who choose to use these smoking areas do so at their own risk. No additional breaks are allowed to any employee who smokes. Finally, smokers and users of tobacco products must dispose of the remains in the proper containers. This helps to keep a neat and clean environment for all employees and our visiting partners and customers.

Failure to comply with all of the components of this policy will result in disciplinary action that can lead up to and include employment termination.

I acknowledge receipt of and understanding of the Clínica Esperanza/Hope Clinic Smoke Free Workplace Policy. The policy is effective 1/1/2011 until further notice.

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Signature

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Name (Print)

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Date