

**HIPAA for Medical  
Residents and Clinicians –  
Train Once, Train Right,  
and Make it Effective!**

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**We are not minimizing  
HIPAA!**

## Training – What is required?

### 45 CFR 164.530(b) – Training

“A covered entity must train all members of its workforce on the policies and procedures with respect to protected health information required by this subpart, as necessary and appropriate for the members of the workforce to carry out their function within the covered entity.”

## Training – How often is it required?

### 45 CFR 164.530(b)(2)

- ❑ By the compliance date
- ❑ To each new member within a reasonable period of time after joining the workforce
- ❑ To each member whose functions are affected by a change in HIPAA policies or procedures

## Training – What it does not say

- No specific time requirement
- No periodic training requirement
- No specific content requirement

## HIPAA Training Practicality

- The HIPAA Privacy Regulations are tricky!
- Residents and clinicians already have a lot of stuff to remember!
- Many questions are not directly addressed by the HIPAA Privacy Regulations!

## HIPAA Training – What can we do?

1. Provide basic rules;
2. Provide easy to find resources for common situations; and
3. Make sure they have your phone number.

## Providing the Basics:

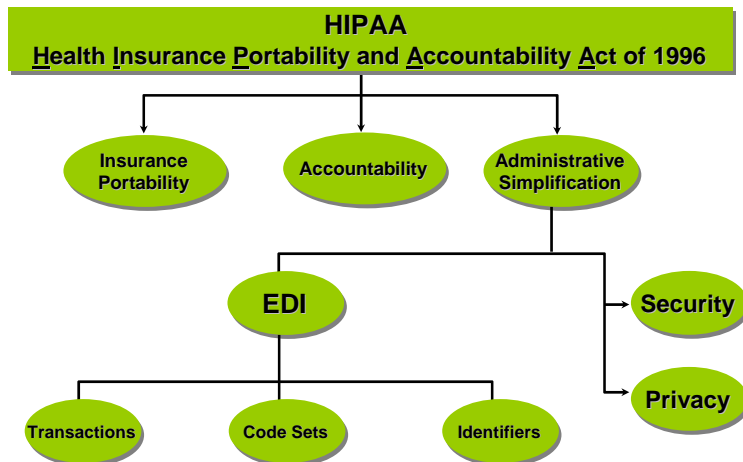
1. Identify what we are talking about with HIPAA
2. Make sure everyone knows how to spell HIPAA
3. Understand where Privacy came from
4. Present the 3 rules
5. Review the scenarios
6. Talk about the refresher!

# What is HIPAA?

H - Health  
I - Insurance  
P - Portability  
A - Accountability  
A - Act

## Spelling counts!!

# Where is Privacy?



# RULE 1

**Is using or disclosing this patient information in the best interest of the patient?**

- HIPAA does not require perfection
- The Office for Civil Rights investigates based on complaints
- Payment, treatment, and health care operations is an exception to the HIPAA Privacy provisions (45 CFR 164.502(a)(1)(ii))

# RULE 2

**Do I need to access this patient information, whether verbal, paper, or electronic, to do my job?**

- Covers the minimum necessary provisions of 45 CFR 164.502(b)
- Addresses “elevator conversations”
- Covers accessing employee medical records
- Answers the fundamental question – “Is it okay for me to see that information?”

## RULE 3

**When leaving a computer in an open workspace, hit Ctrl-Alt-Del and log off**

- ❑ Addresses HIPAA Security provisions that matter to employees
  - This is based on experience at our hospital
  - Follows MIHS Network Usage Policy

**What happens if you are uncomfortable even after you follow the rules?**

- **Ask for help from your supervisor or Attending or call the Compliance Office.**
- **You do not have to be the HIPAA expert and you do not have to do this alone.**

# Scenario 1 – Hospital to Hospital

A patient who was seen here at MIHS has now been taken to the Emergency Room at St. Joseph's Hospital. You receive a call from the St. Joseph's Emergency Room asking you to fax over a copy of the patient's medical record. Assume you have verified that the call is coming from the St. Joseph's Emergency Room. Can you send them the information?

## What is our rule?

Is using or disclosing this information in the best interest of the patient?

## Is it?

- The HIPAA Privacy Regulations (164.506(a)) permit the use and disclosure of patient information for payment, treatment, and health care operations without consent or authorization.
- Document what you did and why and release the information.
- Still not comfortable? Ask for help.

# Scenario 2 – Use of Camera Phones

While working in the ER, an unusual trauma arrives. Someone tells you to take a picture with your camera phone. Is this allowed?

## What are the rules?

When the situation is not addressed by the rules, what do we do?  
Look to your resources.

Each department should have posted the Camera Phone Guidelines

## Scenario 3 – Sharing Passwords

You are working with your attending and she asks you to look up a patient for her.

Is this okay?

What are the rules?

**Rule 2 - Do I need to access this information, whether verbal, paper, or electronic, to do my job?**

**What if your attending asks you to give her your username and password so she can look up another patient?**

**Rule 3 – PROTECT YOUR PASSWORD, hit Ctrl+Alt+Del and Log off the workstation when you walk away.**

## Scenario 4 – Sharing Experiences

You are taking time to eat lunch down in the cafeteria. You are sitting with other residents in a side table. Typically, this time is used by you and your fellow residents to discuss patient cases to share information and get ideas for presentation and treatment. Is this okay?

What is our rule?

**Rule 2 – Do I need to access this information, whether verbal, paper, or electronic, to do my job?**

**Do you need to discuss patient names and other identifiers?  
Be aware of your surroundings—Always assume that the people around you are the family of the patient about whom you are speaking.**

## Scenario 5 – Providing Information to Family

You are caring for a patient when a call comes in asking for information about the patient. The nurse who answered the call says that the person calling is the patient's spouse. Can you give any information to the person on the phone?

**What are the rules?**

**Is using or disclosing this information in the best interest of the patient?**

**Do it and document.**

**Each department should have a copy of the Guidelines for Confidential Communications.**

**Does the situation change if the person on the phone is the patient's best friend?**

## Scenario 6 – Releasing Information

It is 2 a.m. and you are caring for a patient. The police show up and ask for the following information:

- If patient "A" is in the hospital
- If patient "A" had a GSW, and if so, where and what injuries resulted
- The results of the blood test to determine if the patient was under the influence of alcohol or drugs

Can you release that information to the officers?

**What is our rule?**

**Is using or disclosing this information in the best interest of the patient?**

**See MIHS HIPAA Policy 14014, Disclosures to Law Enforcement Personnel**

**Know when to ask for help! If you do not know, call the Compliance Office**

## Take Home Goodies!

- Camera Phone Guidelines
- Confidential Communication Guidelines
- Family handout

The End

