

NAF Supervisor HIPAA Training

Protecting Privacy is Everyone's
Responsibility



AGENDA



- HIPAA Privacy Rules and background
- Terminology and Definitions
- Protected Health Information
- Use and Disclosure of Information
- Rights of Employees
- Complaints
- **PENALTIES FOR NON-COMPLIANCE**



What is HIPAA?

- Health Insurance Portability and Accountability Act of 1996 (HIPAA) was enacted by Congress with four mandates
- This training will concentrate on the mandate “Administrative Simplification Standard” covering HIPAA Privacy Rules
 - Privacy Rules were effective 14 April 2003
- Why is this important to you?
 - Noncompliance with HIPAA regulations can be expensive (punitive & compensatory damages)



Background

- Prior to HIPAA, your personal information could be accessed by hospitals, pharmaceutical companies, and brokers for marketing purposes
- Prior to the Privacy Rules no strict mandate existed against employers who used your personal health information for adverse personnel actions
- Your sensitive health information was not protected



HIPAA Terminology

- **Authorized employee** – employees designated by the NAF Privacy Official who may have access to protected health information as part of their job duties
- **PHI** – Protected Health Information
- **De-Identified Information** – PHI is de-identified if the unique identifier associated with it is removed and there is no reasonable basis to believe the information may identify a specific individual



HIPAA Exclusions

- Certain benefit plan information is excluded from the HIPAA Privacy Act
 - Accident-only coverage
 - Disability Insurance
 - Workers Compensation
 - Liability Insurance
 - Life Insurance
 - Leave Programs



HIPAA Privacy Rule

- It creates national standards to protect individuals' medical records & other personal health information (PHI)
- It gives patients more control over their PHI
- It sets boundaries on the use & release of medical information
- It establishes safeguards that health care providers & others must use to protect the privacy of PHI
- It holds violators accountable with civil and criminal penalties imposed
- It strikes a balance when public responsibility requires disclosure (e.g., epidemics)

HIPAA Personnel Protection



- HIPAA Privacy Act helps prevent adverse personnel actions
 - Hiring discrimination
 - Promotions/BBA's
 - Terminations



Privacy Rule Coverage

- How are you affected by the Privacy Rule?
 - Any NAF supervisor has the potential to know sensitive PHI about their employees
 - Failure to protect this information could lead to litigation by an aggrieved employee
 - Failure to protect PHI can be a criminal offense



What is PHI?

- For information to be considered PHI it must:
 - Related to the past, present, and future physical or medical health condition, the provision of health care, or the payment for health care
 - Identify, or reasonably identify an individual
- Privacy regulations cover PHI that is transmitted or maintained in any form or medium
- Any info considered PHI must be “de-identified”



Examples of PHI Identifiers

- Names
- Social Security Numbers
- E-mail addresses
- Date of Birth
- License Plate Number
- Geographic Subdivisions (street address)
- Telephone Numbers
- Any unique characteristic or code that can link an individual to his/her health info



PHI Use versus Disclosure

- PHI is “used” when it is shared, examined, applied and analyzed
- PHI is “disclosed” when it is released, transferred, or accessed by anyone outside the NAF Health Benefit Plans and authorized NAF employees



Minimum Necessary Standard

- When using or disclosing PHI, always use the minimum number of unique identifiers or the minimum amount of health information necessary to complete the job
- For example, if you are sending out an informational E-mail about an ill colleague, you may not state what the illness is. You can only say “serious medical condition.”



Rights Under the Privacy Rule

- Individuals have a right to:
 - Receive a paper copy of the HIPAA Privacy Notice explaining their health plan's privacy policies & practices
 - Access their own PHI
 - Request amendments to their PHI
 - Request an accounting of their PHI disclosures
 - File a complaint for PHI not being treated IAW the Privacy Rule



HIPAA Privacy Notice

- Notice informs employees that the NAF health benefit plan is protecting their PHI
- Notice mailed to all employees participating in a NAF health plan
- Electronic copy available at www.usmc-mccs.org/employ/emp_bene.html



Rights to a Complaint

- If an individual believes his/her PHI was used or disclosed in violation of the HIPAA Privacy Notice, he may file a complaint with the Office of Health & Human Services or the NAF HBP Privacy Officer
- Complaint must be in writing
 - Privacy Officer c/o DoD NAF Personnel Policy Office, 1400 Key Blvd Ste B200, Arlington, VA 22209



Penalties for noncompliance

- Health & Human Services Office of Civil Rights enforces the Privacy Rule
- Failure to comply can result in a fine of up to \$100 per incident and up to **\$25,000** per person per year
- Criminal penalties apply if a person knowingly discloses PHI without authorization. **Fines up to \$50,000 + 1 year in prison**



Sanctions for Noncompliance

- The NAF HBP has procedures for disciplining authorized employee's who violate HIPAA Privacy Rules
 1. Progressive discipline procedures
 2. Retraining
 3. Immediate job counseling
 4. Documentation in Performance Appraisals
 5. Reduction of job duties



For More Information

- Health & Human Services

<http://www.hhs.gov/hipaa>

- Department of Labor

<http://dol.gov>

- HIPAA Procedures Guideline



Thank you for your Time

- Questions?

