



# HIPAA TRAINING FOR CLINICAL EXPERIENCES

*Prepared by the Office of Career Services*

# INTRODUCTION

The **Health Insurance Portability and Accountability Act of 1996 (HIPAA)** is a federal law that is best known for allowing individuals to maintain health insurance when they move from job to job. An additional purpose of HIPAA is to provide security and privacy for health information that is transmitted under standards for healthcare billing.

Under the HIPAA privacy and security regulations, all healthcare providers are required to: ensure access to patient information is restricted to only those that need the information as part of their job responsibilities (role-based access), give rights to patients, provide secure storage of patient records, protect against computer hazards that can damage patient data, and transmit data in a secure manner.

Since HIPAA is federal law, it also establishes civil and criminal penalties for privacy violations.

***Key Point: You should treat everything you learn about a patient as confidential.***

# WHY IS PRIVACY IMPORTANT?

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All of us have certain information that we don't want to share with the entire world. When it comes to healthcare, it's important that we feel comfortable telling a doctor, nurse, or other provider everything that is happening to us. Privacy protections ensure that the people who really need our health information - to give us care or to pay for our care - have all the information they need to help us.

Healthcare workers have always been respectful of the need for patient privacy; we don't need a new law for that. But two important developments have created the need for privacy laws:

1. Scientists have learned more about our genetic make-up and causes of disease that we inherit from our family. We want to make sure that genetic information is used appropriately and not used to discriminate against us.
2. Much of our health information is stored on computers. It may be sent by computer to places like laboratories, insurance companies, billing specialists, and other healthcare administrators. Information on computers is easier to use, but it is also easier to misuse.

Privacy laws ensure that information used for treatment and payment is exchanged appropriately; they also govern the way our information might be used for purposes other than our own personal healthcare.

# **WHAT INFORMATION IS COVERED BY THE LAW?**

**Protected Health Information (PHI) is the key focus of the law.**

**Information is considered to be PHI if it:**

- relates to past, present, or future health, or healthcare, or payment for healthcare;**
- identifies the individual, either directly or indirectly;**
- can be electronic, paper, or oral; and**
- also includes information that is exchanged in conversation, by fax, or by email.**

**PHI is found throughout medical centers, such as in hospital and clinic charts, billing records, x-rays, and databases.**

# HOW DOES HIPAA AFFECT STUDENTS?

HIPAA affects everyone working or volunteering in a healthcare setting – even those not involved in direct patient care. You may be exposed to patient information simply by being in a healthcare environment.

- *Example: You may recognize someone sitting in a waiting room, or you might be in an area that maintains patient records. While these exposures to patient information may be unavoidable, and they are not violations of the law, we are obligated to keep this information private and not share it with anyone who doesn't need to know.*

Remember:

- You can't talk about patients outside of the office with anyone.
- Patients must give permission before anyone can give information to others on their behalf.
- All medical records - both paper and electronic - should be kept in a secure place.
  - If you have access to electronic medical records, you should have a unique password that you do not share with others.
- You have a duty to report any breach in confidentiality to your supervisor.

# PENALTIES FOR VIOLATIONS

*You personally can be held criminally liable for knowingly obtaining or disclosing PHI in violation of HIPAA.*

Civil Penalties, Violation Category	Each Violation	All Violations of an Identical Provision in a Calendar Year	Criminal Penalties - Tier	Potential Jail Sentence
Did not know	\$100-\$50,000	\$1.5 million	Unknowingly or with reasonable cause	Up to 1 year
Reasonable cause	\$1,000-\$50,000	\$1.5 million	Under false pretenses	Up to 5 years
Willful neglect - corrected	\$10,000-\$50,000	\$1.5 million	For personal gain or malicious reasons	Up to 10 years
Willful neglect - not corrected	\$50,000	\$1.5 million		

# THE "TAKE-HOME" MESSAGE

The HIPAA Privacy Rule represents the first comprehensive federal protections for patient privacy, and it provides benefits for individuals and for the health care system. Patients benefit from the rights established by the law and by knowing that their information is safe when it is transmitted electronically.

The regulations also promote quality health care: as we communicate respect for privacy, patients feel comfortable in sharing the information we need for accurate diagnosis and treatment. Accurate information is vital to our understanding and prevention of disease and the advancement of health for our society.

Being in a healthcare setting could lead to various exposures of PHI; we are obligated to keep this information private and not share it with anyone who doesn't need to know.

# NEXT STEPS

1. Complete the HIPAA Training Quiz
2. You must earn a 100% to pass, please retake the quiz if you do not earn a 100%
3. Once you have earned a 100%, you will receive a HIPAA certificate of completion from the Office of Career Services. If it takes more than two weeks to receive your certificate, please email [careercenter@flsouthern.edu](mailto:careercenter@flsouthern.edu).

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