

**Williamson County EMS
(WCEMS)
HIPAA Training
for Third Out Riders**



Training Statement:

This training program is designed to educate you on WCEMS' legal requirements to protect our patients rights and confidentiality, and how this pertains to you...the Third Out Rider.



Objectives:

Upon completion of this training, you will be able to:

- Describe why privacy/confidentiality that pertain to HIPAA are important
- Verbalize the consequences of a privacy/confidentiality/HIPAA violation
- Understand the Third Out Rider's responsibility related to HIPAA compliance



Why HIPAA?

As a provider of emergency medical services, protecting our patients' privacy and maintaining confidentiality creates an environment of trust, generates good will, enhances the reputation and, overall, it is the right thing to do.



What is HIPAA?

HIPAA- Health Insurance Portability Accountability Act is the Federal law that mandates how we are required to protect health information and how it is used and maintained by Williamson County EMS.

Privacy Rule Regulations define the rights of individuals and the responsibilities of covered entities regarding Protected Health Information (PHI).

Security Rule Regulations define the process and technology standards for electronic protected health information (ePHI).

There were no major revisions to HIPAA until 2009 with the passage of the Health Information Technology for Economic and Clinical Health (HITECH) Act.



HITECH ACT Amendments:

The HITECH Act Amendments did the following:

- Added a Federal Breach Notification Rule
- Granted patients new rights regarding PHI
- Applied the Security Rule to Business Associates
- Increased HIPAA penalties
- Mandated changes to Business Associate Agreements (BAA) and Notice of Privacy Practices(NPP)



What does HIPAA Provide?

- Gives patients more control over their Protected Health Information(PHI)
- Protects the patients PHI from intentional and unintentional misuse and exposure
- Provides for civil and criminal penalties for violators of the Privacy Rule
- Establishes a National Standard for handling and disclosure of PHI



Patients Have The Right...

- To be informed of and receive the WCEMS Notice of Privacy Practices (NPP)
- To access PHI
- To request an Accounting of disclosures of PHI
- To request Restrictions on uses and disclosures of PHI
- To request an Amendment of PHI
- To request Confidential Communications



Notice of Privacy Practices (NPP)

- Patients have the right to receive “notice” of their legal rights under HIPAA and an explanation of how their PHI is used, disclosed and protected
- All individuals with whom WCEMS has a “direct treatment relationship” must be given a NPP. This includes transported patients, individuals refusing treatment, and generally anyone we collect PHI from as the result of an encounter
- For emergency treatment situations, we must provide the notice as soon as “reasonably practicable” after the emergency
- Williamson County EMS maintains a website, so we are required to post the NPP on our main webpage



Right to Access

- Patients have the right to inspect or obtain a copy of their PHI held by WCEMS or our Business Associates (BA)



Accounting of Disclosures

- Patients have a right to receive an accounting of certain limited disclosures of their PHI made by WCEMS or our BA during the six (6) years prior to the date of the accounting request



Request Restrictions

- WCEMS must grant patients right to request restrictions on uses or disclosures of PHI for purposes of Treatment, Payment or Healthcare Operations and for purposes of notifying family members, friends and others involved in their care

Very rare request in EMS



Request Amendment

- WCEMS must grant patients the right to request that their PHI be amended
- We may accept or deny the amendment request based on whether or not we believe the record is complete and accurate

Very rare request in EMS



Confidential Communications

- We must allow patients to request alternative means or location for receiving communications of their PHI
- We must accommodate “reasonable” requests



“Minimum Necessary”

The “minimum necessary” rule means we must take reasonable efforts to...

- Use
- Disclose, and
- Request

... only the **minimum amount of PHI needed** to accomplish the intended purpose of any permitted disclosure



What is Considered PHI?

- Information must meet two criteria:
 1. Individually identifiable information; and
 2. Health information



1. Individually Identifiable

- Information that actually identifies the individual
 - e.g., Name, SSN, Medicare Number, etc.
- OR
- There is “reasonable basis to believe the information can be used to identify the individual”
 - e.g., an address, license plate number, date of service

Any information which may make a person identifiable



2. Health Information

- The information must also relate to:
 - The past, present, or future physical or mental health or *condition* of an individual;
 - The *provision* of health care to an individual;
or
 - The past, present, or future *payment* for the provision of healthcare to an individual



PHI Can Be in *Any* Form

- Electronic
 - Anything digital
 - Photos
 - Videos
 - Files
 - Emails
 - Social Networks
- Paper
 - As long as it is readable
- Verbal
 - Any conversations involving PHI

Be aware of your surroundings when discussing incident information



Examples of PHI

- Incident information in an electronic health record (EHR) program, servers, or other location; WCEMS utilizes ESO Solutions
- Dispatch information
- Physician certification statements, signature forms, Memorandum of Transfer forms
- Medical or payment information



The Security Rule

- This applies to all PHI in electronic form
 - “e-PHI”
- WCEMS has implemented Security Standards, Administrative, Physical and Technical Safeguards for compliance with this rule



Violating HIPAA

With recent revisions to the Federal laws under the HITECH Act, HIPAA adds a new dimension to Privacy and Confidentiality and also adds new, very severe consequences for a privacy/confidentiality violation



Violating HIPAA

How does WCEMS become aware of a HIPAA violation?

1. All access to PHI is tracked
2. Random audits are conducted
3. Complaint from family, friends, co-workers
4. Complaint from patient



Examples of HIPAA Violations

- Talking to someone on the phone about your experience and mentioning the name, address or other identifiable information
- Posting any information which could potentially identify a patient on social media
- Taking and keeping photos of incident scene or patient on your personal device



Penalties for Violating HIPAA

The penalties for non-compliance of this legislation are severe.

On the civil side, penalties range from \$100 for each violation up to a maximum of \$1.5 million for violations of the same HIPAA provision in a year.

Criminal penalties are as follows:

- Knowing disclosure: up to \$50,000 fine; up to 1 year imprisonment
- False pretenses: up to \$100,000 fine; up to 5 years imprisonment
- Intent to sell: up to \$250,000 fine; up to 10 years imprisonment



HIPAA and You!

The patient controls who obtains information about them!

Ask before discussing patient information with family, friends and neighbors!

Dispose of PHI appropriately!



HIPAA and You!

Use reasonable accommodations to protect patient privacy and provide as much discretion as possible under the circumstances. While we are obligated to protect our patients' privacy, information heard while assessing, treating, obtaining information or giving report to the receiving facility would be considered an incidental disclosure and not a violation of HIPAA.



HIPAA and You!

It is YOUR responsibility to notify your EMS crew member or the HIPAA Privacy Officer of any concerns you might have or to report a HIPAA violation you suspect during your ride out.

Who is the HIPAA Privacy Officer?

Theresia Carter

512-943-1265



HIPAA and You!

- HIPAA relates to the behavior of the Third Out Rider
 - All PHI encountered must be kept confidential
 - During observation/ride out hours, and
 - During non-observation/ride out hours!
- Representation of the Department
 - Personal behavior with a negative reflection of the WCEMS or the County is not tolerated.



HIPAA and You!

- MOST IMPORTANTLY
 - Violation of HIPAA allows for immediate termination of employment per federal standards
 - For the Third Out Rider, this means immediate termination of observation/ride out privileges



Privacy

Williamson County EMS may use or disclose PHI only for TPO reasons.

The three TPO reasons are:

1. Care & Treatment (T)
2. Payment of Care (P)
3. Managerial Operational Issues (O)



Privacy

Access to all records are logged and maintained to remain compliant with HIPAA laws.



Confidentiality

WCEMS must have a compliance program in place.

This program shall have:

- Policies and procedures in place related to the use and transmission of PHI;
- Develop and implement a privacy notice and authorization to release information form;
- A system of safeguards to protect PHI;
- A process to receive complaints and concerns;
- Policy for mitigation of any violation and log;
- Designate a Privacy Officer; and
- Conduct education and training.



Confidentiality

Respect for a patient's privacy is evident when every effort is made to safeguard the patient's privacy, for example, shielding from on lookers.

Or

Not discussing patient information in a public location. Ask the patient's permission to discuss prior to interviewing patient in public or around other individuals.



Compliance

What is compliance?

- It encourages concerns to be reported
- It requires concerns to be addressed
- Communication is the key to an effective Compliance Program



Compliance

Compliance is everyone's responsibility!

- You must report problems to your EMS crew
- You may offer suggestions on how to resolve the issue at hand



Compliance

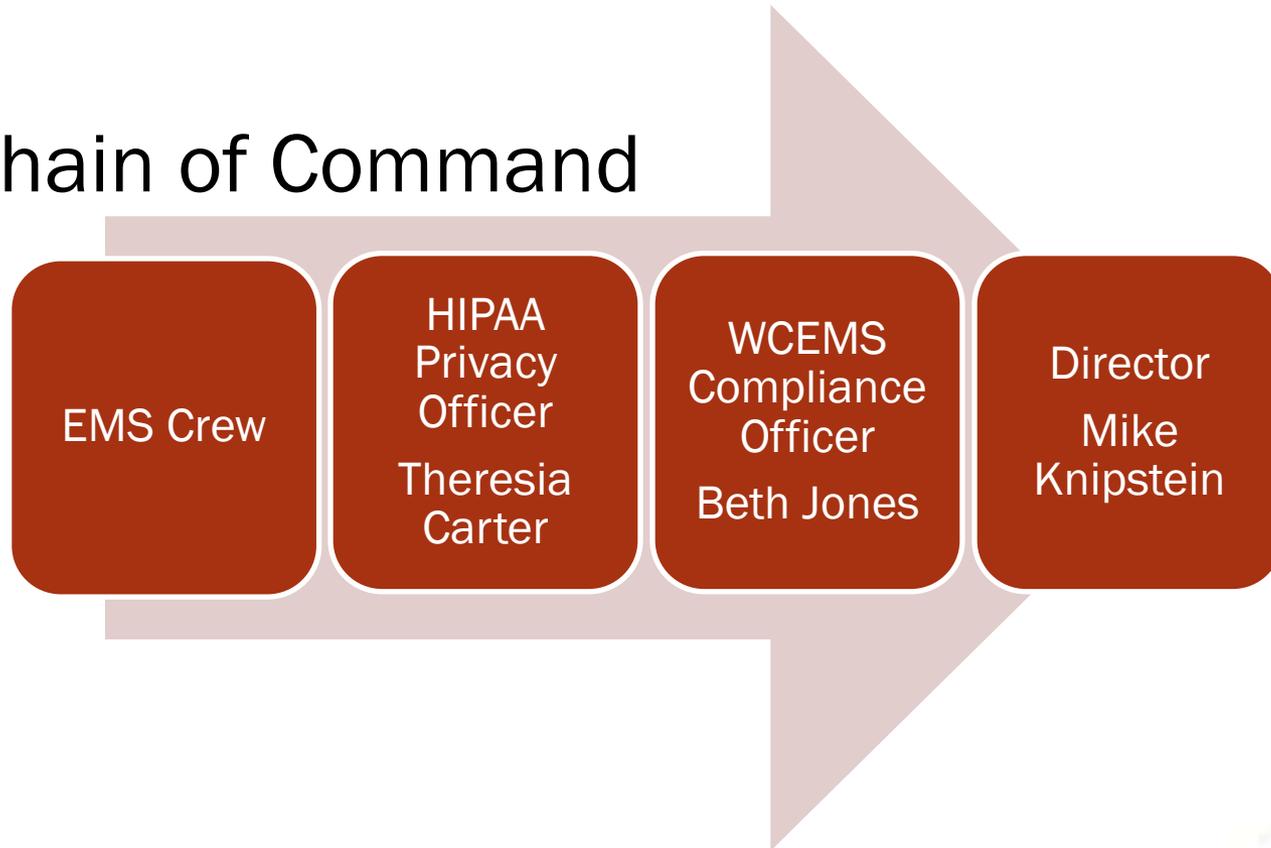
Non-Retaliation Policy

- Williamson County will not take any disciplinary action, or other type of retaliation, against any Third Out Rider for reporting, *in good faith*, a concern, issue, problem violation of law/regulation or the Code of Conduct.



Compliance

Chain of Command



Most concerns can be addressed by your EMS crew. If you feel it has not been addressed, you can use the chain of command.



Compliance

Questions or Concerns, contact-

- Theresia Carter at 512-943-1265, or
- Beth Jones at 512-943-1273



Lets Review

- Privacy
 - The fact that you are a Third Out Rider with Williamson County EMS does not give you access to the PHI of a friend, child, spouse, ex-spouse or co-worker.
- Confidentiality
 - All PHI is to be protected as if it was your own medical information.
- Compliance
 - Report all violations promptly and prevent further risk of exposure until the HIPAA privacy/compliance officer can make corrections.



So who is responsible for HIPAA?

**EVERYONE
IS
RESPONSIBLE!**

