HIPAA Privacy and Security

The Health Plan is committed to ensuring the privacy and integrity of our members’ protected health information, or (PHI). HIPAA privacy rules mandate that THP and our business associates learn and apply the privacy and security rules regarding PHI, and abide by them. An individual’s PHI which is created, collected or stored as a matter of a health care provision must be protected.

PHI includes health information about individuals who have been deceased less than 50 years, it can be included in written, spoken or electronic format, it is related to an individual’s past, present, or future physical, and or mental health or condition, and includes at least one of 18 personal identifiers, as noted by the U.S. Department of Health and Human Services. It excludes employment data and research data; however, these items are subject to other privacy laws and must be treated confidentially.

HIPAA = The Health Insurance Portability and Accountability Act is a federal law that requires The Health Plan and our first tier, downstream and related entities (FDRs) to:

- Properly secure protected health information (PHI) (physically and electronically).
- Protect the privacy of member/patient information.
- Abide by the “minimum necessary” standard for utilization and disclosure of member/patient information.
- Address and specify member/patient rights for the access, use and disclosure of their health information.

The Health Information Technology for Economic and Clinical Health (HITECH) Act and the HIPAA Final Omnibus Rule provided updates to the original federal HIPAA privacy and security standards to include:

- Requirements for breach notifications
- Member/Patient rights to request electronic copies of their electronic health record
- Mandates that business associates are directly liable for compliance with HIPAA provisions
- Increased fines and penalties for violations
  - Civil penalties can range from $100-$1,500,000 per year in fines
  - Criminal penalties can range from $50,000-$250,000 and imprisonment of up to 10 years

Who Does HIPAA Apply To?
HIPAA laws and regulations apply to anyone who works with health, financial, or confidential information with HIPAA protected identifiers, to include everyone who uses a computer or electronic device which stores or transmits information.
Safeguarding PHI
What are some ways to protect member/patient information?

• Use PHI only when necessary as part of job duties
• Use only the minimum necessary information to perform job duties
• Double check printers, faxes and copiers when finished using them
• Never leave PHI unattended in a bag, briefcase or vehicle
• When mailing documents, verify that each page belongs to the particular patient
• Ensure that computers are locked when unattended
• Create strong passwords, and never share usernames or passwords
• Do not install unknown or unsolicited programs onto work computers
• Ensure that information on monitors/screens are not visible to passersby
• Never share patient information through social media, even if it is public knowledge
• Discussions about patient care need to be kept private to reduce the likelihood that those who do not have a need to know will overhear.
• Paper documents that contain PHI must be kept out of view from others, and disposed of properly when no longer needed.

These are just a few basic ways to help ensure the confidentiality of patient PHI. Truly protecting the information that is entrusted to us is a common sense approach that depends upon our strict adherence to established policies and procedures, and not sharing information that is either seen or overheard during the course of our workday.

THP has implemented HIPAA related training for all of its employees, which is distributed to staff upon hire and annually thereafter. It is recommended that all entities who work with PHI establish their own privacy and security program for their individual organization, and execute an inclusive, well-rounded training regimen to keep employees informed of their responsibilities surrounding patient/member rights and protections under the law.

HIPAA information and related forms can be found on our website at:
https://www.healthplan.org/hipaa-safeguards

Resources:
Health Insurance Portability and Accountability Act (HIPAA):
http://aspe.hhs.gov/admnsimp/pl104191.htm

U.S. Department of Health and Human Services- Office of Civil Rights (OCR):
http://www.hhs.gov/ocr

HIPAA Frequently Asked Questions for Professionals (FAQs):
http://www.hhs.gov/hipaa/for-professionals/faq