

Knock, Knock
Who's there?
HIPAA
HIPAA who?

Sorry, I can't tell you
that.....

som^{ee}cards
user card



HIPAA

An Outline

What is HIPAA?

- HIPAA, the Health Insurance Portability and Accountability Act, was created in 1996. Originally known as the Kassebaum-Kennedy Bill, after Senator Nancy Kassebaum and Senator Edward M. Kennedy, who originated HIPAA. HIPAA was formed for the following reasons. Firstly, HIPAA ensures quality healthcare for people. This means that health insurance should be made available to people, and is broken up and clarified in five ways:

HIPAA Assurance For Quality Health Care...

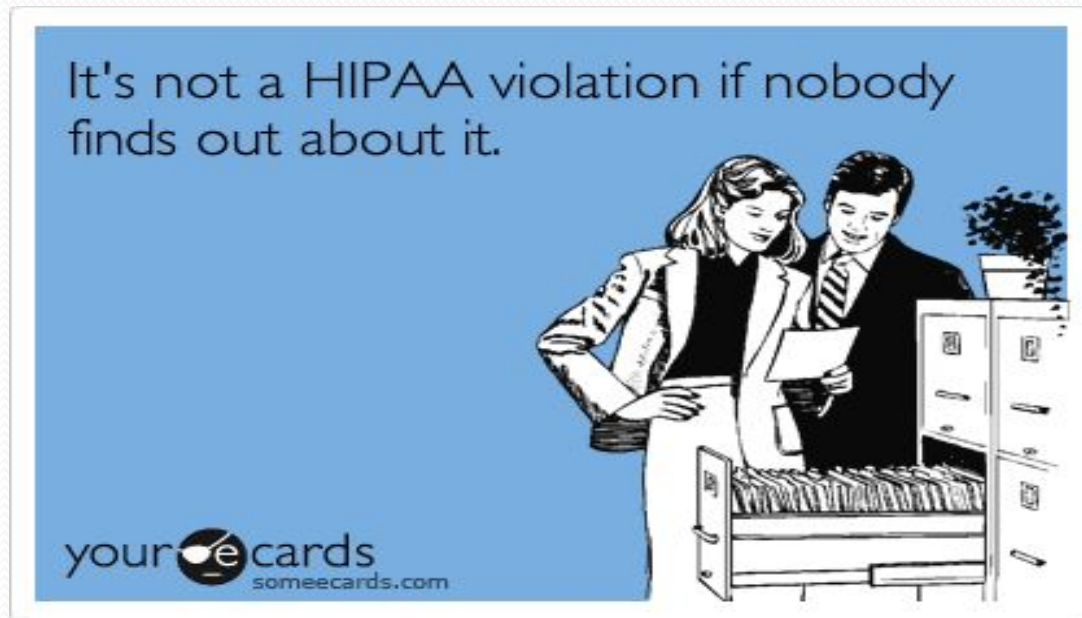
- Banning insurances from denying coverage for people with preexisting conditions and;
- Expecting women, and/or newborns, and/or adopted children.
- Necessitating bosses to allow employees who were fired to continue buying insurance (specific requirements need to be met).
- Forbidding bosses from refusing health coverage to workers on the basis of their health.
- Necessitating insurers to restart health insurance coverage to all their workers (once premiums are paid).

Portability of HIPAA

- Secondly, HIPAA addresses Portability of health insurance which guarantees that employees are able to transfer out of their current job holdings and continue to get health insurance, regardless of their or their dependents' preexisting conditions.
- This is to prevent a “job lock”. The concept of a job lock refers to people who are stuck in their current job because of the availability of their health insurance (Artnak and Benson).

HIPAA Accountability

- Lastly, the accountability part of HIPAA addresses patient's privacy rights and it is this part of HIPAA that most people identify with. It is also the most fraught with myths and lies.



HIPAA Myths

- In “Understanding and Complying With HIPAA”, Candace Gray differentiates what is the truth and what is lies in the HIPAA law. Some mistaken beliefs are that nurses can no longer call patients into the waiting room, or talk to patient’s family members. More myths claim that patients have the right to a private hospital room. Another myth is that health information cannot be faxed. The most serious misconception of HIPAA is that nurses will go to jail for blunders.

Further Common Myths and Corrections About HIPAA

- The Health Privacy Project attempted to clarify the many false stories banding around about HIPAA. It released a document on the myths and facts about HIPAA. The *Center for Democracy and Technology* addresses new concerns that people have with HIPAA. People believed that HIPAA abolished people's constitutional privacy rights. On the contrary, HIPAA is the first and only federal health privacy law. Before HIPAA, there was no law that established the right for people to have access to their own medical records.

More Myths

- Another myth was that HIPAA removed conventional patient privileges, such as confidentiality with their doctors/therapists. Again, this idea is false, HIPAA does not touch regular laws and privileges, thus patient-doctor confidentiality still apply. Furthermore, HIPAA authorizes revealing information under two conditions: one, at the patient's demand, and two, when the Secretary of the Department of Health and Human Services requires it for investigative purposes (*Center for Democracy and Technology*).

HIPAA Myths Continued

- Additional misunderstandings carry on that HIPAA put an end to “right of consent”. Nothing could be further from the truth. HIPAA created the concept of “right to consent”. Before HIPAA, doctors and insurances had disclosed information *without* right of consent, for a number of reasons (*Center for Democracy and Technology*).

Additional HIPAA Misconceptions...

- Another myth is the idea that patients do not have the right to an electronic replica of their health report. The “right of access” gives patients the right to ask for their own medical information. More misunderstandings abound that HIPAA should even be followed over tougher state laws. Again HIPAA allows stricter state laws to be followed instead of HIPAA laws. HIPAA intends to correct state laws that are irresolute with regard to health privacy laws (*Center for Democracy and Technology*).

If All Of The above Is Fallacy, What Does HIPAA Protect?

- Under HIPAA Privacy standards, *individual identifying information* must be safeguarded. These are the following items:
 - Names
 - Addresses (including e-mail and Internet) Dates (such as dates of service or date of birth)
 - Telephone/fax numbers
 - Social Security numbers
 - Medical record numbers
 - Account numbers

HIPAA Protection Continued

- Health plan beneficiary numbers
- Insurance identification numbers
- Insurance identification numbers
- License or certificate numbers
- Vehicle identifiers such as serial or tag number
- Medical device identifiers
- Biometric identifiers (such as fingerprints) or photographic images
- (Gray, 183)

Who Enforces HIPAA?

- Another misconception that exists is the idea that HIPAA contains an enforcement requirement, which was upheld by the Bush administration. That is not true. Rather HIPAA enabled Health and Human Services (HHS) to inquire into all complaints made by consumers. Violators can be fined as little as \$100 per person per violation, and up to \$25,000, and serving time for a year in prison. This is only for civil penalties.

HIPAA Enforcement...

- Criminal crimes can carry a sentence of ten years in prison, and \$250,000 in fines. The difference between the two is the intentions of the violator. “If it can be determined that the person(s) committing the offense did so with malicious intent, for personal gain, or for commercial advantage...” (Artnak and Benson 82). Notice the wording “if it can be determined...”, and here lies an important distinction (Artnak and Benson).

Is It *Really* Enforcement?

- Health and Human Services of the Office Civil Rights (OCR), has heard as many as 30,000 HIPAA violation complaints, and it has yet to issue even one fine for this. The reasoning for this is due to feeble enforcement, in essence; the change is there, but it is not occurring.

One Last Funny Cartoon....

HIPPA-

Allowing healthcare workers everywhere avoid conversations with annoying family members.



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