

# **HIPAA**

## **STANDARDS OF CONDUCT**

**GOAL** – To never violate patient confidentiality and to protect your computer resources from malicious or unintentional damage.

- a. To protect the ITHI (Individual Identifiable Health Information)
- b. Or PHI (Protected Health Information).

A secondary goal is to insure you can prove your vigilance in protecting patient confidentiality for at least SIX years. If challenged it will not be enough to “be legal”. You must be able to “prove in court” that you were legal.

### **ATMOSPHERIC PLAN**

- a. To work together toward a common goal of protecting the confidentiality of the TOP (Treatment, Operations and Payment).
- b. To be compliance partners in confidentiality.
- c. Provide a safe place to report to Compliance Officer, Suggestion Box.
- d. This is not an attempt to single out staff members, but to assure that all staff are complying to Federal Guidelines. When one person fails to protect the privacy, the entire Organization suffers.
- e. The “wing it” approach will not fly.
- f. When a violation is handled, the group will want to patch up the area to insure such a standard is put back in place. The effort to meet the standard is to be an “all hands effort”.
- g. All staff should participate in “Gap Analysis” (defining the weak spots) and report to their Compliance Officer such information.

### **DIRECT RELATIONSHIP WITH PATIENT**

- a. When counselor, staff, interns, etc. have a “Direct Relationship” with patient, it is considered a “presumed consent”.

### **OBTAINING CONSENT FROM PATIENT**

- a. All clients will be required to sign an “Client Notice of Privacy” Form.
- b. If a client refuses to sign, in the place of the Client Notice of Privacy Form, insert a document stating “Client refused to Sign the Form.”. Staff “used good faith effort to acquire the signature”.
- c. This form is to be filed in the chart on the BOTTOM left.
- d. After form has been filed, stamp outside of chart with blue stamp indicating the placement of the form. Auditors will require that this be noted on the front of the chart.
- e. Caseworkers may sign for State Ward Adolescents. Parent/guardian must sign for all under-age client.

## SECURE TELEPHONE COMMUNICATION

1. Ask patients and third parties not to tape record your conversations.
2. Ask patients and third parties not to have other in room during conversations or working on patients files.
3. Make sure no one is listening on another line
4. Do not have conversations regarding patient/client information in public areas of office or within ear-shot of public areas.
5. Do not use last names when speaking on phone when clients are present or near public area. Ask caller to identify themselves.
6. When phoning client at home or work, verify that you are actually speaking with client. Confirm date of birth or some other specific information.
7. Messages from phone calls to Counselors and other staff must be secured. If message board is located in secured secretarial area, phone messages must be turned around so information is hidden. Message centers in unsecured secretarial area, must be manned. If secretarial staff leaves station, messages must be moved to secured location. It is best to move message center to secured area.
8. Phone message books must be secured or manned at all times.
9. Voicemail and answering machine messages are to be kept secure and cannot be overheard by unauthorized personnel.

## SECURE FAXING

1. Do not fax patient information unless you are certain the information will be received on the other end by the intended party.
2. Be sure to place a statement at the **TOP OF EVERYTHING** sent electronically, (fax, e-mail, etc.). The fax sheets should include the typed confidential statement, or you may use the confidential stamp. On E-mails, you may use the following message:  
“This message is intended only for the use of the individual or entity to whom it is addressed. It may contain information that is privileged, confidential, and exempt from disclosure under the law. If you receive this communication in error, please notify us immediately by telephone, and return the original message to us at the above address. Thank you.”
3. Fax machine will not be located in a public area. If public area is near, a sign indicating that the information received is confidential and only for First Step Staff.

## SECURE FILES

1. Do not leave patient files lying around. Do not leave them in any public area or loose by copy machine.
2. Files in secured secretarial area must be kept turned backwards as to cover any identification on chart.
3. Counselors are asked to keep charts in office to a **MINIMUM**. It is best to re-file charts on a daily basis. If charts are being worked by counselor, the following standards are required.
  - a. Charts being used during the day must be turned over when leaving office.

- b. Office must be locked when unattended.
- c. Charts must be placed in secured box at night.
- d. All Client Journal material, and any client information must also be manned during the day and locked and put in secured location at night just like a client file.
- e. The above items are under the **NO EXCEPTION RULE**.
- f. Charts are to be **LOCKED IN FILE CABINETS OR IN SECURED AREA** at night and during unmanned periods of time.

## **TRANSPORTATION OF SECURE FILES**

1. Client files and other secure information should not be removed from the office except as absolutely necessary.
2. When secure information is removed (e.g. jail evaluations, report writing, court testimony, team meetings, etc.) it must be placed in a secure briefcase or bag and placed in the trunk or back of your vehicle so that if an accident occurred, the material would not be dispersed, released or lost at the accident scene.
3. If Client Files and secure information is removed from the office, your home work area is an extension of the formal office area and all the same rules apply. That is, files need to be kept in locked files, files should be placed face down, and when leaving your home office area leaving the files unattended, the door should be locked or the materials locked in your files. Public conversations should not be conducted where others can hear, make sure you are talking to the person, make sure no one is listening on other lines if phone calls are involved and secure this information.

## **SECURE MISCELLANEOUS INFORMATION**

1. Client progress notes, telephone notes, miscellaneous filing, intake information, insurance information, testing, etc. are to be kept in a secured location. Staff must protect information if carrying through public areas.
2. Miscellaneous information should be put in secured, designated location for filing purposes. Unauthorized personnel are denied access to this information.
3. Signs will be posted on **STAFF ONLY** access areas.

## **OBTAIN AND SECURE RELEASE OF INFORMATION FORMS**

1. Releases **MUST** be obtained from ALL clients to include the following:
  - a. Family members
  - b. Insurance company
  - c. Attorneys
  - d. Case Workers
  - e. Parents of minor client
  - f. Probation Officer
  - g. Any other individual that may need to be contacted regarding client.
2. Releases must be filled out **COMPLETELY**, including an N/A in blank areas of information and **MUST** include an expiration date.