

# Strategies for Providing Simple and Effective HIPAA Training



Darrell W. Contreras  
Chief Compliance Officer  
Maricopa Integrated Health System  
Phoenix, Arizona

# About Maricopa Integrated Health System

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- ❑ 490-bed Level I Trauma Center and Regional Burn Center in Downtown Phoenix
- ❑ 189-bed Inpatient Behavioral Health Hospital in Mesa
- ❑ 11 Family Health Centers throughout Maricopa County
- ❑ On-Campus Comprehensive Healthcare Clinic
- ❑ 3,750 employees
- ❑ 205 residents



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We are not minimizing  
HIPAA!

# Training – What is required?

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## 45 CFR 164.530(b) – Training

“A covered entity must train all members of its workforce on the policies and procedures with respect to protected health information required by this subpart, as necessary and appropriate for the members of the workforce to carry out their function within the covered entity.”

# Training – How often is it required?

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45 CFR 164.530(b)(2)

- ❑ By the compliance date
- ❑ To each new member within a reasonable period of time after joining the workforce
- ❑ To each member whose functions are affected by a change in HIPAA policies or procedures

# Training – What it does not say

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- ❑ No specific time requirement
- ❑ No periodic training requirement
- ❑ No specific content requirement

# HIPAA Training Practicality

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- ❑ People do not remember
- ❑ People only remember what they thought they knew before the training

# Training – What is required?

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“Give a man a fish and you have fed him for a day. Teach a man to fish and you have fed him for a lifetime.”

--Chinese Proverb

# Training – What is required?

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- ❑ Bottom Line – What do employees need to know to do their jobs?
- ❑ Translates to 3 requirements for training:
  1. HIPAA Basics
  2. What help is available
  3. How to locate that help

# Let's Make a Deal

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- Trade 2 – 8 hours of HIPAA training

OR

- 3 rules and a homework assignment in 20 minutes

You choose!

# 3 Rules and a Homework Assignment

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- Use the bargain to ensure participation
- Identify HIPAA first-timers
  - Use them as a learning benchmark
  - Make sure they understand that HIPAA refers to patient privacy

# 3 Rules and a Homework Assignment

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## Employee HIPAA Training Outline

1. Identify what we are talking about with HIPAA
2. Make sure everyone knows how to spell HIPAA
3. Present the 3 rules
4. Do the test question
5. Present the homework assignment

# RULE 1

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Is using or disclosing this patient information  
in the best interest of the patient?

- HIPAA does not require perfection
- The Office for Civil Rights investigates based on complaints
- Payment, treatment, and health care operations is an exception to the HIPAA Privacy provisions (45 CFR 164.502(a)(1)(ii))

# RULE 2

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Do I need to access this patient information, whether verbal, paper, or electronic to do my job?

- ❑ Covers the minimum necessary provisions of 45 CFR 164.502(b)
- ❑ Addresses “elevator conversations”
- ❑ Covers accessing employee medical records
- ❑ Answers the fundamental question – “Is it okay for me to see that information?”

# RULE 3

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When leaving a computer in an open workspace, hit Ctrl-Alt-Del and **log off**

- Addresses HIPAA Security provisions that matter to employees
  - This is based on experience at our hospital
  - Follows our Network Usage Policy

# Homework Assignment

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Find the HIPAA policies in your department and review the titles

- There are approximately 40 HIPAA policies located:
  - On our intranet
  - In the department manual
- The titles are self-explanatory
- Provides the learning for use when they are needed
- Meets the training requirement of 45 CFR 164.530(b)

# Let's try it out...

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A patient who was seen here at MIHS has now been taken to the Emergency Room at St. Joseph's Hospital. You receive a call from the St. Joseph's Emergency Room asking you to fax over a copy of the patient's medical record. Assume you have verified that the call is coming from the St. Joseph's Emergency Room. Can you send them the information?

## What is our rule?

Is using or disclosing this information in the best interest of the patient? Is it?

- ❑ The HIPAA Privacy Regulations (164.506(a)) permit the use and disclosure of patient information for payment, treatment, and health care operations without consent or authorization.
- ❑ Document what you did and why and release the information.
- ❑ Still not comfortable? Ask for help.

# How do our employees do?

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- Typically a 70/30 or 60/40 class split in the answer
- Almost all with HIPAA experience rely on what they think they know about HIPAA
- New HIPAA employees get it!
- They always ask about “consents”

# What happens if I follow the rules and I still don't know what to do?

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- You do not have to do this alone
  - Ask for help
  - Talk to your supervisor
  - Call the Compliance Officer
- Do not be the HIPAA expert!
- The Compliance Office monitors issues for areas of additional guidance

# Example 1 – Confidential Communications

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- Prompted by questions about:
  - Identification Verification
  - Passwords for family members
- Provided “Guidelines for Confidential Communications” to all nursing stations
- Presented at Clinical Leadership meeting
- Created a family handout

## Example 2 – Licensing Agency Subpoenas

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- ❑ Subpoenas demand medical records as part of an investigation
  - Arizona Medical Board, Arizona Board of Nursing, etc.
- ❑ Medical Records Department needed guidance for responding
- ❑ Policy created to evaluate subpoenas
- ❑ Policy includes response letter

# What happens if we violate the HIPAA Privacy Regulations?

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- ❑ Contact the Office for Civil Rights if there is a known violation
- ❑ Review the documentation
- ❑ Ensure your processes meet the requirements of the Privacy Regulations
- ❑ Prepare for contact from the Office for Civil Rights

# Working with the Office for Civil Rights

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- ❑ OCR is required to investigate all complaints
- ❑ Call proactively
- ❑ Work to solve complaints and be open about your efforts
- ❑ Be open to the possibility that you may need to make changes
- ❑ Demonstrate that changes have been made

# Take Home Goodies!

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- ❑ Confidential Communication Guidelines
- ❑ Family handout
- ❑ Subpoena policy
- ❑ Letter to Licensing Agencies
- ❑ HIPAA training script

The End

