

HIPAA Case Studies

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LENA EREMIN, BA, ABA CERTIFIED PARALEGAL

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Katie Roemer



Katie has over 20 years of experience in the healthcare industry, beginning with 1-800-MEDICARE and then working as a coder, educator, and corporate compliance professional. Katie is currently Vice President of Compliance & Privacy Officer for a Los Angeles hospital system.

She served as as an AAPC local chapter treasurer and president from 2014-2021. She has also volunteered her time as a mentor for allied health students, women entering the workforce, as a board member and treasurer for a daycare, and in support of mental health and homelessness.

Katie has master's degrees in business administration and organizational leadership; a bachelor's degree in business administration and management, and an associate's degree in medical transcription. She is certified in healthcare compliance, healthcare privacy compliance, and professional coding.

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Lena Eremin



Lena is an American Bar Association paralegal, who joined the healthcare industry during the pandemic. Lena found great interest in healthcare compliance. Lena is currently a Compliance/Contract Paralegal at a hospital in Los Angeles.

Lena volunteered her time at Basic Needs Center and provided a variety of services to students to help them meet basic needs, such as food resources, housing resources, and CalFresh Application Assistance. Also, she has volunteered her time as a mentor for new grad paralegals.

Lena has American Bar Association Paralegal Certificate; a bachelor's degree in Criminology, Law & Society, and Urban Planning.

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OBJECTIVES

- A high-level overview of Protected Health Information (PHI).
- Discussion of applicable key terms and the TPO exceptions.
- Interactive case studies



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KEY TERMS

Protected Health Information (PHI)

Covered Entity (CE)

Health Care Provider (HCP)

Disclosure

Minimum Necessary

Breach

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PROTECTED HEALTH INFORMATION (PHI)

Individually identifiable information (III) that is:

- Collected from an individual;
- Created or received by a covered entity;
- Relates to the past, present, or future physical or mental health condition of an individual;
- The provision of health care to an individual;
- The past, present, or future payment for the provision of healthcare to an individual;
- That does or could identify the individual; and
- Is maintained in electronic or other form (i.e., verbal or written).

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COVERED ENTITY (CE)

A health plan.



A health care clearinghouse.



A health care provider who transmits any health information in electronic form.

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HEALTH CARE PROVIDER (HCP)

A provider of services.

A provider of medical or health services.

Any other person or organizations who furnishes, bills, or is paid for health care in the normal course of business.



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DISCLOSURE

The release, transfer, provision of access to, or divulging in any manner of information outside the entity holding the information.

- Authorized
- Unauthorized

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MINIMUM NECESSARY



“The **minimum necessary** standard requires covered entities to evaluate their practices and enhance safeguards as needed to limit unnecessary or inappropriate access to and disclosure of protected health information.”



Patient data access is only given to those people who need it for their jobs.

A breach is generally defined as unauthorized use or disclosure of PHI.

[Minimum Necessary Requirement | HHS.gov](https://www.hhs.gov/hipaa/for-professionals/special-topics/minimum-necessary-requirement/)

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BREACH OR NO BREACH



Is a CE involved?



Can the individual be identified?



Did the patient authorize the disclosure?

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TPO EXCEPTIONS



Treatment



Payment



Operations

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TPO EXCEPTIONS

The relationship and communication thereof between **provider** and patient

To obtain or provide **reimbursement** for the provision of health care

Certain **operational** CE activities that support the core functions of treatment and payment

The minimum necessary standard applies here. All access to PHI must be related to staff's role

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Case Studies

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Foundation

Ann and Dave share custody of their two children. Ann learned that Dave had a serious non-healing wound.

Ann mentioned her concerns to her friend, noting that if Dave didn't take care of himself better, he might have to be hospitalized, which could be a traumatic experience for their children!

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Based on the information presented on the foundational slide, did a breach of PHI occur?

Yes

No

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Foundation+Picture

Ann and Dave share custody of their two children. Ann learned that Dave had a serious non-healing wound.

Ann mentioned her concerns to her friend, noting that if Dave didn't take care of himself better, he might have to be hospitalized, which could be a traumatic experience for their children!

Ann had a picture on her phone of Dave's wound. She showed it to her friend.

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Based on the information thus far, has a breach of PHI occurred?

Yes No

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Ann Works At A Hospital

Ann works at the local hospital. She and Dave share custody of their two children. Ann learned that Dave had a serious non-healing wound.

Ann mentioned her concerns to her friend, noting that if Dave didn't take care of himself better, he might have to be hospitalized, which could be a traumatic experience for their children!

Ann had a picture on her phone of Dave's wound. She showed it to her friend.


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Does the fact that Ann works at a hospital change whether or not she has used or disclosed PHI without a valid reason?

Yes No

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Ann Works As A Coder

Ann works as a coder at the local hospital. She and Dave share custody of their two children. Ann saw Dave's name in the coding queue. Ann was shocked and concerned!

Ann mentioned her concerns to her co-worker friend, noting that if Dave didn't take care of himself better, he might have to be hospitalized, which could be a traumatic experience for their children!

Ann's coworker pulled up Dave's medical record where they saw a picture of an ugly non-healing leg wound.


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Based on the information thus far, has a breach of PHI occurred?

Yes No

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Ann Took A Picture

Ann works as a coder at the local hospital. She and Dave share custody of their two children. Ann saw Dave's name in the coding queue. Ann was shocked and concerned!

Ann mentioned her concerns to her co-worker friend, noting that if Dave didn't take care of himself better, he might have to be hospitalized, which could be a traumatic experience for their children!

Ann's coworker pulled up Dave's medical record where they saw a picture of an ugly non-healing leg wound.

Ann pulled out her phone and snapped a quick shot of Dave's wound.


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At which point did a breach occur?

Ann seeing Dave's name in the coding queue? Ann mentioning concerns to her coworker Ann's coworker pulling up Dave's record Ann taking a picture None of the above

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What If?

Ann and Dave share custody of their two children. Ann learned that Dave had a serious non-healing wound.

Ann was having dinner with her parents. She mentioned that Dave had been in the hospital for a bad wound.

Ann had a picture on her phone of Dave's wound. She showed it to her parents. Her parents were concerned!


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Does the introduction of Ann's parents, and their knowledge of Ann's place of work, change whether or not a breach of PHI occurred?

Yes No

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Ann's Mom Cares

Ann and Dave share custody of their two children. Ann learned that Dave had a serious non-healing wound.

Ann was having dinner with her parents. She mentioned that Dave had been in the hospital for a bad wound.

Ann had a picture on her phone of Dave's wound. She showed it to her parents. Her parents were concerned!

Ann's mom asked her to forward that pic. She had a nurse friend she wanted to talk to about wound care.

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Would your previous answers differ if you knew what Ann's parents knew?

No

Maybe

Probably

Yes

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Forwarded Picture

Ann was having dinner with her parents. Ann had a picture on her phone of Dave's wound. She showed it to her parents. Her parents were concerned!

Ann's mom asked her to forward that pic. She had a nurse friend she wanted to talk to about wound care.


The next day, Ann's mom forwarded the picture to her nurse friend who works at the local wound care clinic.

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Share your thoughts about what might happen next.

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Questions
Comments
Discussion

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References

Unless otherwise noted in the presentation, this presentation is heavily dependent on the U.S. Department of Health and Human Services Health Information Privacy HIPAA for Professionals site located at <https://www.hhs.gov/hipaa/for-professionals/index.html>.

Polling questions were created using Poll Everywhere.

The case studies are based on the following real-life example:

Defino, T. (2021, July 08). 'I am owning up to my mistake': Woman remorseful following HIPAA prosecution. *Report on Patient Privacy*, 21(7),1-2. Retrieved from <https://compliancecosmos.org/i-am-owning-my-mistake-woman-remorseful-following-hipaa-prosecution>.

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THANK YOU!

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