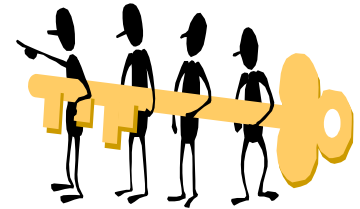
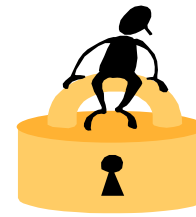




# Protecting Patient Confidentiality



# Introduction

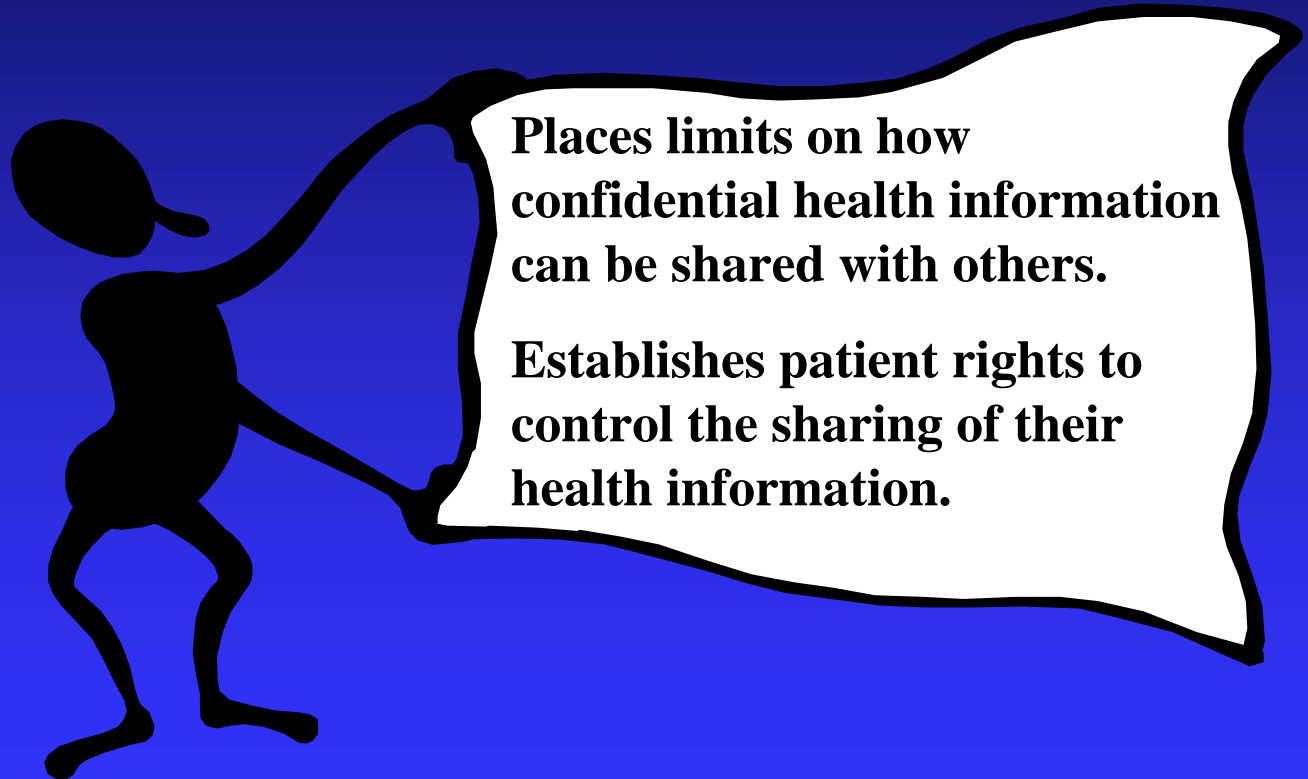


As an agency employee, student, or volunteer of SUNY Upstate Medical University, you may see and hear confidential patient health information. We are committed to protecting the privacy of patients and the confidentiality of the health information they entrust to us. Patients have a right to privacy that is governed by both State and Federal law. A new Federal law, the Health Insurance Portability and Accountability Act Privacy Rule (HIPAA) became effective April 14<sup>th</sup>, 2003 and places additional responsibilities on organizations to protect patient privacy and has given patients greater rights over controlling how their health information is shared with others. In this booklet, we will explain the HIPAA Privacy Rule and SUNY Upstate Medical University's privacy practices.



# WHAT IS THE HIPAA PRIVACY RULE?

- **HIPAA** = The Health Insurance Portability and Accountability Act...A Federal Law Created in 1996



**Places limits on how confidential health information can be shared with others.**

**Establishes patient rights to control the sharing of their health information.**

**It is everyone's responsibility to safeguard confidential health information and to respect the patient's privacy rights.**

# WHAT IS CONFIDENTIAL HEALTH INFORMATION?

All information about a patient is considered confidential, including information that:

- Is created, or maintained in ANY format
- Relates to the patient's past, present or future medical condition, treatment or payment for care
- Identifies the patient or could be used to identify the patient



**If you have inappropriately shared any of this information, you have breached a patient's confidentiality!**

# HOW CAN CONFIDENTIAL HEALTH INFORMATION BE SHARED?

To protect a patient's privacy, confidential health information should only be accessible or shared with those who "need to know" in order to care for the patient. There are two ways in which confidential health information can be shared with others:

- Use ➡ The sharing of confidential health information **within** the organization
- Disclosure ➡ The sharing of confidential health information with others **outside** the organization



**Before looking at, or sharing confidential health information, ask yourself "Is it necessary for care of the patient?"**

---

# IN WHAT CIRCUMSTANCES CAN A PATIENT'S CONFIDENTIAL HEALTH INFORMATION BE USED AND DISCLOSED?

---

We are may use and disclose confidential health information with a one-time consent for:

- Treatment of the patient
- Payment for healthcare
- Health Care Operations



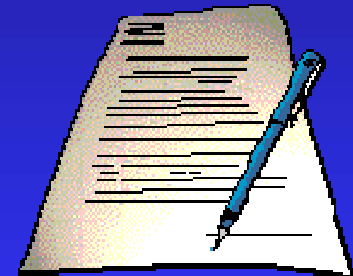
**Consent is required by NYS Law!**



# ARE THERE EXCEPTIONS TO THE RULE?

In certain situations, the disclosure of confidential patient information is permitted without written permission, but we must note the disclosure in the patient's record. Some examples of these types of disclosures include:

- For public health and oversight activities
- When required by law
- To carry out special government functions
- For other organizations that perform a service to SUNY Upstate



**There are specific guidelines to follow when providing information under these special circumstances – always check with your supervisor for guidance!**

---

# CAN A PATIENT PLACE RESTRICTIONS ON THE DISCLOSURE OF THEIR CONFIDENTIAL HEALTH INFORMATION?

---

In special situations, the patient can request that some of their confidential health information not be shared, such as:

- For Patient Directory purposes
- Fundraising by or on behalf of SUNY Upstate
- To a patient's family & friends involved in care
- To others involved in payment for care



**If the patient's record has a notation of such a request, refer the inquiry to your immediate supervisor!**

# WHAT RIGHTS DO PATIENTS HAVE TO CONTROL THE SHARING OF THEIR CONFIDENTIAL HEALTH INFORMATION?

Patients have the right to:

- Inspect and copy the medical record
- Amend the medical record
- Receive a list of certain disclosures
- A copy of the Notice of Privacy Practices
- Request confidential communication
- File a complaint with the Secretary of the Department of Health and Human Services



**It's important that all patients be informed of how they can protect their own confidential health information!**

---

# THE SHARING OF SOME CONFIDENTIAL HEALTH INFORMATION REQUIRES EXTRA CAUTION!

---

The sharing of confidential health information related to certain treatments and services are afforded a higher level of protection under New York State Laws, for example:

- Alcohol/Substance Abuse
- Child Abuse
- Mental Health
- Genetics
- HIV-Related Information



**Do not share any confidential health information of this nature, unless you have checked with your immediate supervisor!**

# WHAT IS A *NOTICE OF PRIVACY PRACTICES?*

We are required by Law to give patients a copy of our *Notice of Privacy Practices* telling patients how their health information will be shared and about their new rights. You will also see the *Notice of Privacy Practices* posted in places where patients can see it. Below are some important points about the *Notice of Privacy Practices*.

- It reflects the organization's current privacy practices
- It is given at the first appointment or contact
- It outlines how the patient may file a complaint
- It gives the name of a contact person in the organization
- We must acknowledge that a copy has been given to the patient



**If patients have questions about the *Notice of Privacy Practices*, direct them to the SUNY Upstate Medical University Privacy Office at 464-6135!**



# DON'T SURPRISE THE PATIENT!

Patients expect privacy when they are receiving healthcare. Patients also expect that their confidential health information will be appropriately protected. Examples of safeguards that help to ensure confidentiality are:

- Don't share your computer password
- Shred all paper containing confidential health information or place in closed receptacles
- When faxing, verify the fax number before sending
- Close doors or privacy curtains when having discussions of confidential health information
- Do not leave medical records unattended or in open areas
- If visitors ask for information, direct them to the information desk for assistance
- Keep confidential health information you hear or see to yourself



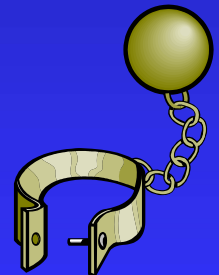
**All of these are some basic ways we protect patient confidentiality.  
But truly protecting patient confidentiality depends upon you!**

# WHAT CAN HAPPEN IF A PATIENT'S RIGHT TO PRIVACY IS VIOLATED?

The patient, SUNY Upstate Medical University, and the individual who violates the patient's privacy can all face serious consequences!



- The loss of Public Trust
- Violation of the Individual's Right to Privacy
- Professional Misconduct [New York State Education Law § 6530(23)]
- Civil and/or Criminal Penalties against the individual and organization to include monetary penalties and prison time
- Sanctions imposed by SUNY Upstate Medical University

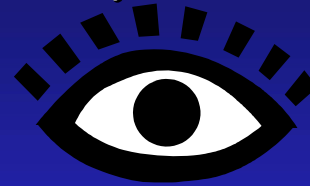


---

# REMEMBER, KEEP IT TO YOURSELF !

---

- **Need to Know** Access only information needed to do the job.



- **Minimum Necessary** Use and disclose the least amount of information necessary to carry out the purpose.



- **Incidental Uses & Disclosures** Limit unavoidable sharing of information.



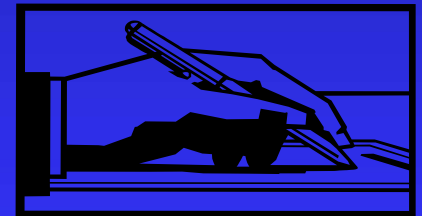
---

# OUR PRIVACY PRACTICES

---

Safeguarding the confidentiality of patient information is an important part of patient care. Of equal importance is ensuring that staff are aware of and follow our privacy practices. We have developed specific policies and procedures for you to follow to help us to protect patient confidentiality. They can be accessed via the University Hospital Administrative Manual or by asking your immediate supervisor, and cover areas such as:

- The management of patient records, both paper and electronic
- Using and disclosing patient information
- How patients can exercise their privacy rights
- The complaint and grievance process



You will be required to sign a confidentiality agreement before you begin your experience here.

**It's your responsibility to become familiar with and follow the guidelines outlined in these policies and procedures!**



---

# WHO DO I CALL?

---

Each organization must have a Privacy Official to ensure compliance with privacy policies. If you observe or suspect that the confidentiality of a patient's health information has been violated, you must report it to your supervisor, or the SUNY Upstate Privacy Official at:

- **E-mail:** [nappac@upstate.edu](mailto:nappac@upstate.edu)
- **Phone:** 464-6135
- **Hotline:** 464-6444 (for anonymous reports)



**We cannot punish you for reporting suspected violations and, in fact, it is considered your responsibility to make such a report!**



# Conclusion....

Patients trust that when they share their confidential health information with healthcare staff, it will be afforded the appropriate privacy protection. If this bond of trust is broken, patients may be hesitant to seek care or may not share vital information needed to provide care. Now that the laws protecting privacy and confidentiality have been strengthened, a patient's right to have his or her healthcare information kept private is more than just the right thing to do – it is the law !

