

# HIPAA is not about a Hippopotamus



If you work in a health care facility in the USA, you have probably been to a HIPAA meeting. HIPAA is the Health Insurance Portability and Accountability Act of 1996. It is public law also known as the Kennedy-Kassebaum Act.

The regulations are a comprehensive set of requirements for obtaining authorization to disclose patient health care information, advising the patient of the patient's right to know, the uses made of patient health care information, maintaining the confidentiality of patient healthcare information, and insuring that each health care provider or health care provider organization has procedures and personnel designated to educate providers about, and to properly maintain health care data in accordance with the regulations.

It calls for sweeping changes in most health care transactions and administrative information systems and affects all providers of health care, health care plans and clearing houses. This includes all physician offices, public health authorities, EMS agencies, and all information systems dealing with patient information.

The Transactions Regulations compliance date is now October 15, 2002 for most providers. The compliance required for the privacy regulations is April 14, 2003.

## ***So What Does That Have to Do With A Hospital Clown?***

In simple terms, we have to be VERY careful about referring to, speaking about, or writing about ANY patient, or ANY patient's family members. We cannot refer to a patient by name or use any identifying information. In the HIPAA regulations there are 18 different items of identification including license plates, a full frontal picture, phone numbers and Insurers ID.

Even if you are a volunteer you are considered part of the work force (as you are covered by hospital liability) and therefore need to follow HIPAA Regulations.

Most of the regulations have to do with forms and transference of information over the computer, but it also pertains to protecting patients from "casual" privacy breaches. A breach of privacy is very much against the law.

## ***Casual Breach of Privacy***

We cannot discuss patients, their families, their condition, their treatment and use their names or any identifying information. You cannot be overheard outside the hospital using a patient's name --including those touching stories we love to tell. We have always been told this, but there are new rules on the books and hospital personnel will be watching for breaches of privacy.

Here are some scenarios of how a clown could breach a patient's privacy.

Clowns are in the elevator with staff and other persons: "Oh, Dotty, you should have seen Johnny today. He looks so bad. They said his cancer is back." Seems innocent enough, but who are those people on the elevator, relatives?



*Heart Throb (Sondra Upham) and Dr. Laffngigl (Arne Swensen) get a lot of giggles from staff with their clown rendition of a HIPAA lecture.*

*"You know I saw Daniel today. There is just something about the way he really doesn't want to go home that makes me think maybe he is abused at home."* You might say this in a private meeting with a staff member who needs to know, but not in any public area where you can be overheard.

*"I heard the doctor tell you that your cancer is in remission. That's terrific."* What you hear from the doctor is not yours to say to anyone else. It tells the patient that the doctor is breaching privacy. You can't use a patient's name or speak of their illness, prescriptions, or prognosis.

*"The unit clerk was really rude -- she snapped off her computer when I looked over her shoulder at the screen. I only wanted to see who was on the floor."* According to the new HIPAA regulations, staff cannot leave a computer screen containing patient information on when leaving their desk or allow unauthorized people to view their screen.

*"I saw my next door neighbor Susan in the hospital today. I didn't know she was having an operation."* You can't violate anyone's privacy even if it is a friend or a neighbor.

*"Why isn't my friend's name on the visitor's list? I came all the way over here with these flowers!"* Every hospital will have a different way of handling visitors, clergy visits, and flower delivery. According to the new regulations, room information can only be given out for those patients who have consented to have their names on a visitor list.

*"Look at this cute picture I took last week of the boys in Room 5."* Photos are identifying information. Most of us know we need authorization when taking photos in the hospitals. Because a lot of patients want a picture with the clown, we use a Polaroid as there are no negatives and the photo is given to the patient. Be aware, however, that if you have two patients in a photo, the one not getting the picture has to give their consent as you are giving identifying information to someone else.

**It is just another way we Caring Clowns have to pay attention to the details around us.** This respect for patients' privacy has always been there, it is now regulated by law.