



Privacy and Security Orientation for Visiting Observers

DUHS Compliance Office
919-668-2573 ♦ compliance@dm.duke.edu



DukeHealth



Introduction

This orientation is to provide new Visiting Observers with the HIPAA Privacy and Security information to respect patient privacy during your visitor experience.



Agenda



Discuss HIPAA Privacy and Security Rules



Describe Visiting Observer obligations to protect patient information.



Explain the penalties for privacy and security violations.



HIPAA

HIPAA stands for the **Health Insurance Portability and Accountability Act**. Accountability requires health care institutions to protect patient information.



When we speak of patient information, we are talking about “**Protected Health Information.**”

Protected Health Information (PHI) is **any** health information that could identify a particular person.



Patient Confidentiality

The Privacy Rule:

- Protects an individual's health care information known as Protected Health Information (**PHI**).
- Identifies permitted uses and disclosures of PHI.
- Gives patients control over their health information (Patients' Rights).



The Security Rule:

- Protects an individual's health care information that is maintained or transmitted electronically.
- Defines administrative, physical, and technical safeguards for electronic PHI (**ePHI**).
- Requires corrective action of workforce members who fail to comply with security policies and procedures.



HIPAA: 18 Patient Identifiers

- ! **Names**
- ! **Street address, city, county, ZIP**
- ! **All elements of dates, age >89**
- ! **Telephone Number**
- ! **Fax Number**
- ! **E-mail Address**
- ! **Social Security Number**
- ! **Medical Record Number**
- ! **Health Plan Beneficiary Number**
- ! **Account Numbers**
- ! **Certificate/License Number**
- ! **Vehicle Identifiers & Serial Numbers**
- ! **Device Identifiers & Serial Numbers**
- ! **URL Address**
- ! **IP Address**
- ! **Biometric identifiers, e.g., fingerprints and voiceprints**
- ! **Full-face photos and any comparable images**
- ! **Any other unique identifying number, characteristic or code, e.g., tattoo, unique/rare diagnosis or procedure codes**



Privacy and Security Responsibilities

PHI may be **spoken, written or electronic**

- Respect every patient's privacy and maintain confidentiality.
 - Visiting Observers are bound by the same confidentiality standards that Physicians, Researchers, Clinicians and other members of the Duke Health community observe.

LET'S CONSIDER

During a hospital tour a visiting observer recognizes a patient in an oncology clinic..

The visiting observer should not disclose this to any person, e.g. spouse, friend. To mention that information is a breach of patient privacy and could lead to termination of the visit.





Privacy and Security Responsibilities

- Visiting Observers:
 - **Must** be escorted by Duke staff in all clinical and administrative areas of Duke facilities.
 - **Must** ensure nametag is visible at all times in any Duke Health facilities.
 - **Must** be introduced to patients to allow the patient the opportunity to decline the visitors presence during the encounter.
 - **Must not** discuss a patient's **presence**, **identity**, **diagnosis**, or **treatment** with anyone not involved in the care of that patient or the learning activities you are participating in as a Visiting Observer.
 - **Must not** receive or remove documents containing PHI from Duke Health facilities.
 - This includes, but is not limited to: **Post-it notes**, **spreadsheets**, **observation notes**, **agendas**, **calendars**, etc.
 - **Must not** **photograph** or **record** patients or patient information.
 - **Must not** engage in any activities outside of the scope of the Purpose of the Activity section of the Visiting Observer Agreement.



THINGS TO CONSIDER

- Observership: an opportunity to learn about particular clinical or research activity. *This is not a volunteer position.*
- Observers do not participate in any functions:
 - No access to electronic or paper medical records.
 - Cannot provide patient care or have direct communication with patients.
 - Cannot perform surveys of patients.

REMEMBER: THIS IS AN OBSERVATIONAL EXPERIENCE ONLY.



Violating HIPAA Privacy or Security Rules



- You, your Sponsor and Duke may receive severe penalties for HIPAA Privacy or Security Rule violations.
- If you do not protect an individual's health information, you may be penalized:
 - Up to and including termination of Visiting Observer Agreement.
 - Civil and criminal penalties.
 - Penalties depend on the level of violation.



In general, HIPAA violations are enforced by the Department of Health and Human Services. The recently enacted Health Information Technology for Economic and Clinical Health (HITECH) Act now permits State Attorney Generals to bring civil actions AND permits monetary awards to be shared with harmed individuals.

- **Penalties for Unauthorized Access**

- \$50,000/violation, with an annual maximum of \$1.5 million
- Duke placed under a Resolution Agreements (compliance reporting/monitoring)
- Civil Monetary Penalties for **Duke** and **perpetrator** of privacy breach
- Criminal Penalties, up to 10 years in prison
- State Attorney General pursuing civil action





Reporting Compliance Concerns

When you observe something you believe to be improper it is part of your compliance responsibilities to [report your concerns immediately](#).

There are options available to assist you in reporting your concerns:

Option 1: Contact your Sponsor immediately

Option 2: Contact the [DUHS Compliance Office: 919-668-2573](#)

Option 3: call the Integrity Line Hotline [1-800-826-8109](#) for Confidential and Anonymous reporting

DukeMedicine

Integrity in Action

OUR Compliance Responsibilities

- If you have a question, **ASK IT!**
- If you think a law or policy is not being followed, **YOU MUST REPORT IT!**

Contact your supervisor

Contact the Compliance Office at **919-668-2573**

Call the Integrity Line
1-800-826-8109
Confidential & Anonymous



Questions

Privacy and Security Guidance:

DUHS Compliance Office:

919-668-2573 or compliance@dm.duke.edu