



Privacy & Confidentiality Policy Training & Certification

THE SANTEE-LYNCHES AAA/ADRC PRIVACY POLICY INCLUDED IN THIS TRAINING GUIDE:

This guide gives you a brief overview of your responsibilities and serves as a quick reference when questions arise. Please read this training material carefully. You are responsible for being aware of contents.

The Health Insurance Portability and Accountability Act (HIPAA) requires that you receive training to refresh and remind you of how important confidentiality is to your job, whether you are in a paid position or in a volunteer/intern position. You must sign the Confidentiality Agreement at the end of this document before you begin working with any HIPAA or sensitive information. Please make sure you are clear on what you are signing and ensure that you understand the commitment you are making.

Definitions:

Informational **privacy** is the individual's ability to control what information is available and who has access to that information. It is a right that belongs to an individual by law.

Confidentiality is the responsibility for limited disclosure of private matters. This includes the responsibility to use, disclose or release such information with the knowledge and consent of the individual identified.

As you work with performing or reviewing assessments, you have access to confidential, personal, and sensitive client information (i.e. financial, medical, and mental health information). Not only do you have a moral and ethical responsibility to protect all information that exists within your agency, but it is your legal responsibility to keep it confidential.

REGULATIONS & LAWS CONCERNING CONFIDENTIALITY THAT YOU MUST FOLLOW:

Congress passed the Health Insurance Portability and Accountability Act (HIPAA) in 1996 in an attempt to improve health care nationally through four main objectives;

- Make sure that health insurance is available to workers and their families when they change or lose their jobs.
- Reduce fraud and abuse HIPAA allows the Department of Health and Human Services and the Justice Department to pursue organizations suspected of fraud. It also protects whistleblowers and establishes severe penalties for those who are found guilty of fraud.
- Administrative Simplification use of standard electronic file formats, codes and identifiers is expected to greatly reduce the cost of processing a healthcare transaction and help reduce fraud.
- Protection of Patient Information with electronic data interchange comes strict security measures and stringent protection of patient information.

Santee-Lynches and its contracted providers must follow the guidance of the State of South Carolina and Federal regulations. If you have any questions about specific law or regulations, contact your agency director or the AAA/ADRC Director.

According to State and Federal Laws and regulations:

We must furnish our written policy on confidentiality when requested.

- We must have a process in place to track and allow members to request any information that the Santee-Lynches Aging & Disability Resource Center and the Area Agency on Aging has about them.
- We must allow our clients to ask us to modify their information.
- We must make sure that only staff, who need confidential information to do their jobs, have access to it and that the minimal necessary information is accessed.
- We must get written consent from clients (or their legal representatives) for us to use their information to conduct research/business on their behalf. If the client is calling by telephone, we must obtain this information verbally and document the date that the client authorized use of their information.
- Protected Health Information (PHI) is any information that, individually or in combination, could identify the person should someone see or overhear it. Certain information is unique to an individual and by itself can identify that person.

HIPAA regulations allow us to use PHI to assist clients seeking services from Santee-Lynches and its contracted providers. Therefore, with proper security procedures, we may use this information to determine eligibility and to coordinate benefits/services. However, when obtaining the required information, we are obligated to make reasonable efforts to request only the minimum necessary amount of information needed to do the task.

Clients have a right to have access to their own information and when they request it, management will assist clients in accessing their information. It is of vital importance that this sensitive/confidential information is only released to those who have a right and need to view it.

We can share PHI with others only in these circumstances:

- When written or verbal authorization has been provided by the individual
- When it's for the use of the Department of Health and Human Services in the investigation and enforcement of HIPAA rules
- Under the order of a court or legal authority
- For partnering agencies with whom we require assistance when assisting the client, but only after receiving specific permission from the client.

PROTECTING INFORMATION

You can protect confidential information by following these guidelines:

- Access only information needed to do your job.
- Do not share confidential/sensitive information with friends, or relatives, or in social situations.
- If you no longer use a program, screen or database, ask to have it removed from your computer.
- Don't show, tell, copy, give, review, change, or discard any information unless you have received permission from the agency director or the AAA Director.
- When disposing confidential information, shred it before you discard the information.
- Don't misuse or be careless with confidential/sensitive information. Make sure that confidential/sensitive information that is in your possession is protected. Don't leave confidential/sensitive information on your desk overnight; make sure it is secured in a locked room/cabinet.

- If you are required to take confidential/sensitive information out of the office to conduct an assessment or to obtain assistance for the client, ensure the information is protected and in a secure container to ensure it is not inadvertently released should there be a vehicle accident or other accident.
- Be aware that computer monitors can display confidential/sensitive information; therefore it should not be visible to passers-by or other clients.
- Keep your computer password a secret.
- Volunteers/Interns will work on a designated computer when approved by the AAA Director/Department Head.
- Don't share any confidential/sensitive information, even if you are no longer a member of the staff.
- Know that your access to confidential/sensitive information can be audited.
- Be careful with faxes and emails, both to whom you are sending them and by whom they are received. Always include an agency cover sheet with a confidentiality statement on it.
- Know that Santee-Lynches Regional Council of Governments, the Area Agency on Aging, or the Aging & Disability Resource Center may revoke computer access at any time.
- Don't review confidential/sensitive information from other offices, unless you have approval and a need to accomplish your assigned work.
- Don't make unauthorized copies of ADRC or AAA documents, records or software.
- Remember that you are responsible for your use or misuse of confidential/sensitive information.
- If you are unsure or are uncomfortable about confidential information or its use, talk with the AAA Director. It is better to ask than to make assumptions.

CONSEQUENCES OF BREACH IN CONFIDENTIALITY

If you are aware of or see a breach of confidentiality, report it immediately to the agency director or the AAA Director.

Anyone failing to follow the guidelines/policies listed in this document will be terminated and in the case of a criminal action, civil or criminal penalties may apply.

CERTIFICATION & UNDERSTANDING:

I certify that I have read and understand the Privacy and Confidential Policies set forth in this document. I further understand that I may be legally responsible for failure to comply with any of the policies and procedures that have been identified herein.

Signature of Staff Member/Volunteer

Date

Agency Director

Maintain this signed agreement in each individual's personal record for at least a three year period.