

**Ideal Home Care Agency, LLC  
ADMINISTRATIVE  
POLICY AND PROCEDURES**

**SUBJECT:** Policy # A-5.0 Confidentiality of Information/HIPAA

**EFFECTIVE DATE:** February 1, 2021

**POLICY:**

The HIPAA Privacy Rule became effective April 14, 2001, and was amended on August 14, 2002 to ensure that the consumer's right to privacy is protected; to create national standards to protect medical records and other protected health information (PHI); and to set a minimum standard of health information safeguards. Ideal Home Care Agency and its personnel will maintain confidentiality of consumer records and consumer information. Uses and disclosures of protected health information will be carried out according to Ideal Home Care Agency policies and procedures and applicable law.

**OVERVIEW TO POLICY:**

1. Only personnel involved in the service or supervision of services will have access to consumer records. Consumers will be informed, at the time of admission, of their responsibility to maintain the confidentiality of records maintained in their homes.
2. Personnel will not discuss consumer information outside the context of professional conversation regarding the consumer's status.
3. Consumer records will not be released to third-party persons without written authorization from the consumer.
4. A Consumer Service Agreement which refers to the Consumer Bill of Rights and the right to privacy and confidentiality regarding the disclosure of protected health information will be signed by the consumer upon admission to Ideal Home Care Agency.
5. Release of information for purposes other than for consumer care, as directed by the consumer or as required by law or regulation, must have a separate consumer authorization. Appropriate information will be forwarded with a valid authorization.
6. Requests for consumer information will be reviewed by the President/CEO to determine if this information can be released. Requests for information that may not be released will be forwarded to the President/CEO.
7. Copies of consumer records will not be removed from Ideal Home Care Agency except by subpoena, by requirement of statutory law, or by written authorization of the agency. Confidential information will be forwarded in an envelope designated "confidential".
8. Consumers will be allowed access to their consumer records at Ideal Home Care Agency during office hours after giving reasonable notice to the President/CEO or Director. (See Policy A-7.0)

9. Consumer records will be kept in a locked cabinet or room when not in use. The President/CEO or designee will be responsible for the key. Unauthorized individuals will not be allowed access to consumer records.
10. The following consumer information will be secured after business hours:
  - A. Consumer records
  - B. Consumer intake information
  - C. Minutes of consumer service meetings
  - D. Performance improvement data
  - E. Notes prior to filing in the consumer record
11. Information contained in performance improvement reports will not specify individual consumer or employee information.
12. On the first day during the orientation process, this confidentiality policy will be reviewed by Ideal Home Care Agency personnel.
13. Ideal Home Care Agency personnel will sign a *Confidentiality Statement* during orientation (see attached).
14. A breach in confidentiality by Ideal Home Care Agency personnel is grounds for possible employment termination.

#### **PROCEDURE:**

Ideal Home Care Agency and its personnel will maintain confidentiality of consumer records and consumer information. Uses and disclosures of protected health information will be carried out according to Ideal Home Care Agency policies and procedures and applicable law.

The HIPAA Privacy Rule prohibits disclosure of PHI except in accordance with the regulations; with all organizations having access to PHI needing to do an analysis to determine:

1. Use and disclosure for treatment, payment, and healthcare operations;
2. Use and disclosure with individual authorization; and
3. Use and disclosure without authorization for specified purposes.

Under HIPAA Privacy Regulations, Ideal Home Care Agency is required to:

1. Appoint a privacy officer charged with creating a comprehensive Privacy Policy.
2. Develop minimum necessary policies.
3. Amend Business Associate contracts.
4. Develop accounting of disclosure capability.
5. Develop procedures to request alternative means of communication.
6. Develop procedures to request restricted use of PHI.
7. Develop complaint procedures.
8. Develop amendment request procedures.
9. Develop individual access procedures.
10. Develop an anti-retaliation policy.
11. Train the workforce.
12. Develop and disseminate the Privacy Notice.

As a Business Associate of the Department of Human Services (Department), Ideal Home Care Agency must appropriately safeguard PHI in accordance with HIPAA requirements and:

1. Appropriately safeguard PHI.
2. Report any misuse of PHI.
3. Secure satisfactory assurances from any subcontractor.
4. Grant individuals access to and the ability to amend their PHI.
5. Make available an accounting of disclosures.
6. Release applicable records to the covered entity and the Secretary of Health and Human Services.
7. Upon termination of the Business Associate relationship, return or destroy PHI.

Specific elements of the HIPAA Private Practice Notice include:

1. Header: "This notice describes how medical information about you may be used and how you can get access to this information. Please review it carefully."
2. A description, including one example of the types of uses and disclosures the covered entity may make for treatment, payment of health care operations.
3. Description of each of the other purposes for which the covered entity is required or permitted to use or disclose individually identifiable health information without consent or authorization.
4. If appropriate, a statement that the covered entity will contact the individual to provide information about health-related benefits or services.
5. A statement of the individual's rights under the privacy regulations.
6. A statement of the covered entity's duties under the privacy regulations.
7. A statement informing individuals how they may complain about alleged violations of the privacy regulations.
8. A copy of the *Privacy Notice* distributed to Ideal Home Care Agency Consumers in the Patient Information Packet at admission is attached to this policy.

Employee Training and Privacy Officer

Ideal Home Care Agency trains their employees in the privacy procedures and designates the President/CEO as the individual responsible for ensuring that privacy procedures are followed.

Consent and Authorization

Consent

The HIPAA Privacy regulations permit (not require) a covered entity to obtain a consent from a consumer to use and disclose PHI for care, payment, and home care operations.

Authorization

Covers any individual's disclosure that is not for care, payment, or home care operations, or exempted under regulations. The authorization used by Ideal Home Care Agency in compliance with regulations:

1. Clearly and specifically describes the information that may be disclosed;
2. Provides the name of the person or entity authorized to make the disclosure;
3. Provides the name of the person or entity to whom the information may be disclosed;
4. Contains an expiration date or event;
5. Contains a statement that the authorization may be revoked in writing;
6. Contains a statement that the information may be subject to redisclosure;
7. Is signed and dated;

8. A copy of the *Authorization for Use or Disclosure of Protected Health Information Form* is attached to this policy.

### Consumer

The U.S. Department of Health and Human Services Office for Civil Rights (OCR), not the Department, is responsible for enforcing HIPAA privacy requirements by:

1. Conducting compliance review;
2. Providing technical assistance to covered entities to assist them in achieving compliance with technical assistance;
3. Responding to questions and providing guidance;
4. Investigating complaints; and when necessary,
5. Seeking civil monetary penalties and making referrals for criminal prosecution.

### Ideal Home Care Agency Compliance Process

1. Only personnel involved in the service or supervision of services will have access to consumer records. Consumers will be informed, at the time of admission, of their responsibility to maintain the confidentiality of records maintained in their homes.
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Review Date(s): \_\_\_\_\_

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