

Health Insurance Portability & Accountability Act (HIPAA) and Critical Incidents

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August 19, 2024



Agenda

- ▶ Health Insurance Portability & Accountability Act (HIPAA)
- ▶ Critical Incidents

Health Insurance Portability & Accountability Act (HIPAA)

HIPAA

- ▶ The HIPAA Privacy, Security and Breach Notification Rules protect the privacy and security of health information and give patients rights to their health information.
- ▶ HIPAA establishes standards to safeguard the Protected Health Information (PHI) utilized by these covered entities and their business associates:
 - Health plan
 - Health care clearinghouse
 - Health care providers that conducts certain health care transactions electronically.

What is PHI?



Common identifiers, such as name, address, birth date, state ID and Social Security Number (SSN)



The patient's past, present or future physical or mental health condition



Health care you provide to the patient



The past, present or future payment for health care you provide to the patient

Examples of PHI in CCO

- ▶ Budgets
- ▶ Timesheets
- ▶ Documentation
- ▶ Emails containing any of the above information

How to Protect Member PHI

- ▶ Ensure emails containing budget or member information are emailed to the correct person or Managed Care Organization (MCO)
- ▶ Deidentify information when possible
- ▶ If information is sent to the wrong person or entity notify, the member, MCO and HHS

Major Incidents

Major Incident

- ▶ Results in physical injury to, or by, the consumer that requires treatment by a physician or admission to a hospital
- ▶ Results in the death of any person
- ▶ Requires emergency mental health treatment for the consumer
- ▶ Requires the intervention of law enforcement
- ▶ Requires a report of child or dependent adult abuse
- ▶ Constitutes a prescription medication error or a pattern of medication errors that lead to the outcome of 1, 2 or 3.
- ▶ Involves a member's location being unknown by provider staff who are assigned protective oversight.

What is your responsibility?

- ▶ Major incident reports are not required in CCO
- ▶ It is important to share this information with your CM as soon as possible following the incident
- ▶ The CM is aware and can help determine if the services for the member remain appropriate or if an addendum meeting needs held to ensure the member is receiving the services needed to keep them safe
 - CMs are required to document major incidents



Questions

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