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Move the Needle

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Current HIPAA Guidelines for Audiology

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About me

- History, Relevant Disclosures and Expertise
 - President of the Audiology Practice Standards Organization (APSO)
 - Mentor for the California SAA Ambassador
 - Past Adjunct Professor at AT Still University
 - Consultant at drgosalia.com
 - Consultant with Decibels180
 - Co-Host of AudBoss Private Practice Summits
 - Host of Conversations with Dr.Gosalia YouTube series
 - Went through a voluntary HIPAA audit 2015...

\$28.7m in fines!



- * October 16th, 2018 Anthem paid largest fine ever for data breach = \$16,000,000
- * November 26, 2018 Allergy Associates of Hartford, P.C. settles for \$125,000 for releasing PHI to a reporter
- * **Total Fines in 2019 = \$6.1m**

Definitions

- *HIPAA
- *HIPPA
- *HIPPO
- *HIPPIE...



HIPPIE?!



HIPAA

- * Health Insurance Portability and Accountability Act (HIPAA)
- * Created in 1996 and signed by President Bill Clinton
- * Original purpose: to provide continuous health insurance coverage for workers who lose or change their job, and to reduce the administrative burdens and cost of healthcare by standardizing the electronic transmission of administrative and financial transactions

Definitions

- * 2013 modifications to HIPAA in accordance with guidelines set in 2009 by the Health Information Technology for Economic and Clinical Health (HITECH) Act
- * Business associates as covered entities
 - * Business Associate Agreements (BAA)
 - * Hearing aid manufacturers
 - * Insurance companies
 - * Buying groups

Definitions

- * In 2010, the Federal Trade Commission extended the breach notification rule and its enforcement to healthcare organizations not covered by HIPAA, including vendors of electronic health records (EHRs) and EHR-related systems
- * OCR undertook its first round of HIPAA audits of healthcare organizations in 2012 and 2013

OCR...



With Permission:
Dr. David DeKriek
Fidelity Hearing Center
Cerritos, CA

DrGosalia

Office of Civil Rights

- * OCR is the division of Health and Human Services (HHS) who polices HIPAA violations
- * Provide training and materials

Why is following HIPAA Guidelines Important?

- * Fines
- * Law if you are a covered entity
 - * Covered entities are defined in the HIPAA rules as
 - * health plans
 - * health care clearinghouses
 - * health care providers who electronically transmit any health information in connection with transactions for which HHS has adopted standards
- * Protected Health Information (PHI)

PHI

- * What is PHI?
 - * demographic data
 - * medical histories
 - * test results
 - * insurance information
 - * information used to identify a patient or provide healthcare services or healthcare coverage

PHI- Individually Identifiable Health Info

- * Names (Full or last name and initial)
- * All geographical identifiers smaller than a state, except for the initial three digits of a zip code if, according to the current publicly available data from the U.S. Bureau of the Census: the geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and the initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000
- * Dates (other than year) directly related to an individual
- * Phone Numbers
- * Fax numbers
- * Email addresses
- * Social Security numbers
- * Medical record numbers

PHI- Individually Identifiable Health Info

- * Health insurance beneficiary numbers
- * Account numbers
- * Certificate/license numbers
- * Vehicle identifiers (including serial numbers and license plate numbers)
- * Device identifiers and serial numbers;
- * Web Uniform Resource Locators (URLs)
- * Internet Protocol (IP) address numbers
- * Biometric identifiers, including finger, retinal and voice prints
- * Full face photographic images and any comparable images
- * Any other unique identifying number, characteristic, or code except the unique code assigned by the investigator to code the data

Question #1

- * Dwayne Wade refers his friend LeBron James in for a

hearing

pass t

pass.

- * One r

you if

- * What

A. Get

B. Tell

ball-hog and he'll never win another championship

C. Disclose that due to privacy reasons you can not disclose that information



What do we need to do?

- * Protect PHI as much as possible
- * Patient **MUST** sign a HIPAA Release or Compliance form
- * A signed HIPAA release form must be obtained from a patient before their PHI can be shared with other individuals or organizations, except in the case of routine disclosures for treatment, payment or healthcare operations

HIPAA Release Form

- * A description of the information that will be used/disclosed
- * The purpose for which the information will be disclosed
- * The name of the person or entity to whom the information will be disclosed
- * An expiration date or expiration event when consent to use/disclose the information is withdrawn. For example, an expiration event may be when a research study is completed
- * A signature and date that the authorization is signed by an individual or an individual's representative. If a representative is signing the form, the relationship with the patient must be detailed along with a description of the representative's authority to act on behalf of the patient.

Question #2

- * Patient comes in for an audiogram. He was referred by his PCP. He declines to sign the HIPAA Release form because, you know, the Government. His appointment is being billed to his insurance and his primary care physician wants a copy of the test along with a report.
- * What would you do?
 - A. Take a chance because you'll get \$74 in reimbursement for the appointment
 - B. Ask him again, but if he still declines, don't see him as a patient
 - C. Ask him to remove his tin-foil hat for the audio but don't bill his insurance and ghost his PCP

Email

- * HIPAA email rules require covered entities to implement access controls, audit controls, integrity controls, ID authentication, and transmission security
- * HIPAA email rules require messages to be secured in transit if they contain ePHI and are sent outside a protected internal email network, beyond the firewall.

Texting

- * Although HIPAA rules don't specifically forbid texting PHI, the same rules apply for protecting PHI
- * Most texts are not HIPAA compliant. This is because they are not encrypted, cannot be recalled if sent to the wrong recipient, and can be intercepted on public Wi-Fi networks.

Question #3

- * Your manufacturer rep gives you a great deal on a pair of aids, and you have just the patient for these aids. The rep asks you to text them your order with patient name, age and model of aids.
- * What would you do?

- A. Send the text because you have a BAA with the manufacturer
- B. Send the text because the new iPhone is secure
- C. Do not send the text because it is not encrypted
- D. Do not send the text because you don't know this rep that well
- E. Negotiate a better deal and call it in...

Social Media/Online Reviews

- * Always respond!
- * Don't acknowledge whether the reviewer has ever been a patient.
- * Focus on general office policies.
- * Use generic language whenever possible.

Social Media/Online Reviews



Local Guide · 38 reviews · 2 photos

★★★★★ a year ago

I could not speak more highly of this clinic! They treated my injury with the proper sense of urgency and compassion it warranted. They were very sensitive to my needs and accommodated my requests happily. I really felt important and cared ... [More](#)

Helpful?

Response from the owner a year ago

Thank you so much for your review. This means so much to us because we strive to make everyone feel better faster without all the headaches of accessing care.

All the best!

Social Media/Online Reviews



Local Guide · 56 reviews · 138 photos

★★★★★ a year ago

I had some pain in my back and had walk-in appointment with Dr. [REDACTED] and she was so thorough and patient, I'd definitely recommend both her and this clinic

 Helpful?

Response from the owner a year ago

Thanks Mr. [REDACTED] I'm happy you had a great experience and glad I could help you manage your scoliosis pain. If it acts up again, we're here for you!

Social Media/Online Reviews

- * Elite Dental Associates, Dallas (“Elite”) has agreed to pay \$10,000 the Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services and to adopt a corrective action plan to settle potential violations of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule
- * Revealed a reviewer’s PHI on Yelp in their response

Social Media/Online Reviews



2 reviews · 1 photo

★★★★★ 4 months ago

Couldn't be happier with the experience I received at West Valley Hearing Center! Staff is friendly and helpful. And Dr. Gosalia is knowledgeable, professional and approachable. He was able to answer all my questions, even the ones I hadn't yet thought of! Walked me through the entire process and above all, helped me achieve fantastic results beyond my expectations. (And this happens very rarely with me.) Highly recommend!



Thank you for your kind words! We strive to provide the best care possible for all of our patients!

DrGosalia

Summary & Q&A

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www.WestValleyHearingCenter.com



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