

HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT OF 1996

What is the purpose of HIPAA?

- To provide health insurance portability from one employer to another
- To improve healthcare efficiency by standardizing the exchange of medical information
- To protect the patient's privacy against the misuse or improper disclosure of health records

HIPAA requires that vendors provide services involving access to or the use or disclosure of individual health information be bound by a Business Associate Agreement. Many UNITED MEDICAL STAFFING NETWORK (UMSN) clients have submitted specific documents containing Business Associate provisions that have been appended to, and become part of, any existing agreements between UMSN and client. UMSN makes the following representations regarding patient confidentiality and HIPAA compliance.

Who is affected by HIPAA?

As a UMSN employee, you may have access to information concerning specific patients. It is the intent of UMSN and its Clients to protect the privacy and provide for the security of Protected Health Information ("PHI") of individual patients pursuant to compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 ("HIPAA") and the Standards for Privacy of Individually Identifiable Health Information promulgated thereunder by the U.S. Department of Health and Human Services at 45 CFR part 160 and part 164, subparts A and E (the "Privacy Rule") and other applicable laws.

What is the definition of Personal Health Information (PHI)?

Any information, whether oral or recorded in any form or medium, including paper record, audio recording or electronic format that:

- relates to the past, present or future physical or mental condition of an individual; the provision of health care (that includes care, services, or supplies related to the health of an individual) to an individual; or the past, present or future payment for the provision of health care to an individual; and
- identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual, and;
- shall have the meaning given to such term under HIPAA and the Privacy Rule.

Disclosing PHI.

UMSN employees may use and/or disclose PHI solely for the purpose of performing functions, activities, or services directly related to and necessary for the performance of duty and responsibilities on behalf of the Client, provided such disclosures would not violate the Privacy Rule. UMSN employees may use PHI to report violations of law to appropriate Federal and State authorities, consistent with 45 CFR & 164.502 (j) (l). UMSN employees shall not use or further disclose PHI other than as permitted or required by law. UMSN employees shall use appropriate safeguards to prevent use or disclosure of PHI other than as permitted, including but not limited to a statement of "Confidentiality and HIPAA Compliance" agreed to by each UMSN employee with access to PHI.

Complaint Procedures

UMSN employee shall report to Client any inappropriate use or disclosure of PHI of which employee becomes aware. If a patient feels the client you are servicing has breached their privacy by inappropriately sharing their PHI, communicate that the client's facility makes every attempt to respect their rights to privacy. If the patient decides to pursue this further, inform the department Manager of the problem and ask that he or she speaks with the patient immediately. In addition, a formal complaint may be filed with the Secretary of Health and Human Services.

How does HIPAA affect state laws?

HIPAA is a federal law that supersedes less stringent state laws, but not more stringent state laws.

What are the legal consequences of non-compliance with HIPAA?

- Civil penalties up to \$25,000 per rule violation
- Criminal penalties up to \$50,000 and one year in prison for knowingly and improperly obtaining or disclosing private health information
- Up to \$250,000 fine and 10 years in prison for the sale, or transfer of private health information for personal gain or malicious harm
- Sanctions apply to individual employees, not just the Client site

Health Insurance Portability and Accountability Act (HIPAA) Title II Requirements

I have reviewed the training material regarding the implementation and legal consequences of HIPAA, Title II. I understand that I am responsible for reviewing each client's procedures on protecting the patient's private health information.

Employee Name: _____
PLEASE PRINT

Employee Signature: _____

Date: _____

You must return this signed verification of HIPAA training before accepting another assignment.

Please return to UNITED Medical Staffing Network.

ILLINOIS:

By fax (847) 228-0060

or mail to: 740 W. Algonquin Rd., Arlington Hts., IL, 60005

OHIO:

By fax (440) 243-9117

or mail to: 7530 Lucerne Drive, Cleveland, OH, 44130