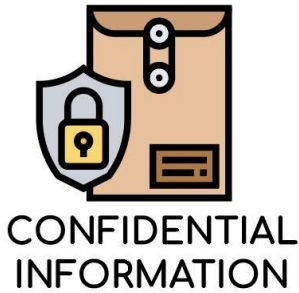


CONFIDENTIALITY In-Service



Confidentiality- Confidentiality is the safekeeping of private information. This includes not only medical information of a client, but also personal information of client and/or company information. Confidentiality applies not only to clients, but also to all employees of the European Service company and to the agency itself. State and Federal Laws protect privacy and the disclosure of medical information. If you breach confidentiality, you may be breaking the law, both State and Federal. Breaches in confidentiality occur when private and protected information is improperly given out, used, or referenced. This can be intentional or unintentional. Consequences of breached information and confidentiality violation or HIPAA violation are punishable by the State and Federal law and enforced by the Office of Civil Rights.

European Services are bound to confidentiality for all clients and employees. Anyone has the right to see their own file. Clients and employees have the right to request a copy of their file by writing to the Program Manager. European Services does not throw any documents in the trash; we have a contract to have documents shredded confidentially and utilize a confidential password protected program that documents every action made within the program, files accessed and access limitations depending on the department and position of the employee within the company.

Health Insurance Portability and Accountability Act (HIPAA)



What is HIPAA?

HIPAA is the Health Insurance Portability and Accountability Act of 1996, a federal law that protects the privacy of a client's personal and health information, provides for electronic and physical security of personal and health information and simplifies billing and other transactions.

What does HIPAA do?

HIPAA is designed to provide individuals with control of their personal health information and how this information is used. For this reason, HIPAA only allows the release of the minimum information necessary. HIPAA sets boundaries in regard to personal health information disclosure, and those that violate HIPAA protections can be held accountable for the violation of a patient's rights.

Who has to follow the HIPAA law?

Everyone

What client information must be protected?

We must protect an individual's personal and health information that is created, kept, filed, used or shared; is written, spoken, or electronic. HIPAA says that this information is: ***Protected Health Information (PHI).***

Examples of PHI (Protected Health Information):

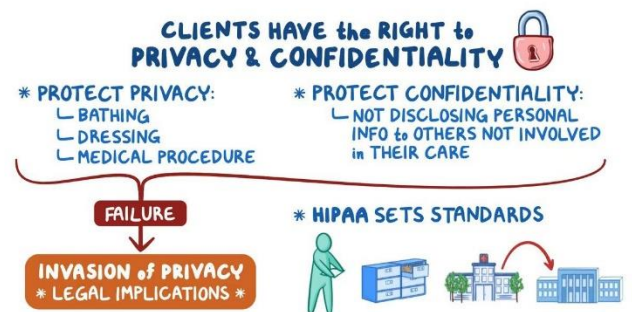
- A person's name
- Address
- Birth date
- Age
- Phone and fax numbers
- E-mail address
- Medical records
- Diagnosis
- Progress notes
- Photos
- Prescriptions
- Lab work and test results
- Billing records
- Claim data
- Referral authorizations
- Explanation of benefits
- Research records

HIPAA Requires Agencies to: Give each client a Notice of Privacy Practices that describes how the agency can use and share his or her protected health information (PHI), a client's privacy rights, and ask every client to sign a written acknowledgment that he/she received the Notice of Privacy Practices and HIPPA document with the Client Rights. Everyone must secure and safeguard PHI so that others cannot see or use it **UNLESS** it is necessary to do the job. Someone who does not protect a client's privacy could lose his or her job, pay \$25,000 fines or more and even go to jail for up to 10 years.

Treat a Client's Information as if it were your own information. It is the right thing to do!

As a Caregiver, you should be aware of the following regarding HIPPA and protected client information:

- Adult children, friends, or other caregivers can have access to patient information if authorized by the patient.
- Patient authorization allows caregivers access to personal health information.
- Participation in doctor's visits is allowed with patient authorization.
- In the event the aging parent is unable to make their wishes known, the doctor may determine with whom to discuss the patient's options — typically an adult child caregiver.



Violating privacy is punishable, and HIPPA's privacy policy is enforced by the Office of Civil Rights.

- Any information that can identify a patient is considered "Protected Health Information" (PHI). Exposing this information either written or oral is a violation.

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- Conversations with patients should not include questions about their diagnosis, insurance coverage, or anything else that deals with their health information.
- Do not listen to any conversations between patients and medical staff.
- **Never** discuss anything about a patient unless it is in the performance of your assignment and then only to the proper person and in a manner and location, which ensures that the conversation will not be overheard.
- **Never** discuss anything about a patient outside of the host facility. This includes: knowledge of admittance, and emergency treatment. This also pertains to family members, neighbors, friends, church members, etc. who are patients and whom you might see while volunteering. Unless they give you permission to tell someone else, **DO NOT TELL ANYONE**. (This can be difficult at times, because you are caring individuals and would want others who care to know so that they can send a card, say a prayer, etc. However, it is the Law and you must comply. It is also the patient's right to privacy, no matter how good your intentions might be.)
- Key: remember **WHAT** you are saying, **WHERE** you are saying it, and to **WHOM** you are saying it. These **three W's** can determine whether or not you are being compliant with HIPAA regulations



At European Service, we follow all HIPAA rules. Here are some of the ways we do:

Client Records: All clients/families have to sign release of information forms so that European Service can communicate with other individuals who are a part of the team. A release of information is necessary for any person who is not the client or legal representative. If a release is not signed, we do not have authorization to speak to any individuals. A release can be signed to **obtain** information; this means European Services can only receive information from the care recipient or care recipient representative and discuss the care plan with the authorized representative or care recipient/client only, unless otherwise noted by the client on who else can be contacted on their behalf.

Care Notes: Care notes are written during each interaction or encounter with the client or client representative. A care note is a legal document once it is signed by the client or client representative. At European Service, care notes have a white copy which goes into the client chart on a weekly basis and must be signed by the client and caregiver, and monthly notes by the supervisor. Your care notes are highly confidential and should be turned in weekly to the Supervisor. Our care notes include all activities completed for the client based on their individual Service Plan.

Client Charts: All clients' charts are kept in locked cabinets in the file room at the European Service office. The following employees have access to these charts: the Office Manager, the Supervisor, and the Services Field Coordinators. All charts must be signed out from the file

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room. European Service employees are required to keep client paperwork in a safe, secure place so it will not be viewed by others or lost. If a European Service employee resigns from the agency or is dismissed, they are required to return all client information to European Service. European Service will keep clients' charts for 7 years.

Employee Files: All employees have the right to view their employee file; however, no information from an employee file is released without written or verbal permission by the employee. Employee files are kept in locked file cabinets in the human resources office and are handled by HR or Office Manager. Employee files include copies of the employees' driver's license, automobile registration and insurance; Criminal Background, DHHS, Officer of General Inspector and Motor Vehicle background checks; performance evaluations, education and training certificates, and some medical records, and other documents such as Health Insurance, Taxes Withdrawal document, deposit information, and confidentiality. European Service will keep employee files for 7 years after the employment contract has ended.

Breach of Confidentiality: A breach of confidentiality is when an employee shares information about their client or any client that is serviced by European Service without authorization.

Examples of Common Breaches of Confidentiality:

- If you are talking on your cell phone regarding your client and you are in a public area.
- Telling friends and family who your client is.
- Sharing personal information about your client.
- Working in one client's home and talking about your other client.
- A supervisor informs staff's peer of reprimanding a staff.
- Using a client's or employee's full name on calendars or boards, and by not shredding paper documents after use.
- All faxes must be accompanied with a "Confidentiality" cover sheet.

Limits of Confidentiality

There are exceptions to every rule and there are times when you may need to break the confidentiality agreement. This means that there may not be a release of information signed but it is ok to break confidentiality. These exceptions include:

Duty to Warn

Court cases have held that when an individual indicates the intention of doing something harmful, dangerous, or criminal to self or others, it is the professional's duty to warn appropriate parties. This includes: the family of an individual who intends to harm self; others that the individual actions may harm; appropriate authorities and emergency responders.

Duty to Report Abuse of Dependent Adult/Elderly Abuse

Many states mandate reports to appropriate agencies and authorities whenever there is actual or suspected abuse to dependent adults and the elderly (e.g., physical, sexual, neglect, emotional and psychological abuse, unlawful sexual intercourse). You will need to report to your supervisor, as well as contact **Adult Protective Services** through *Illinois Department of Aging* at **1-866-800-1409** to report suspected abuse of the elderly.

Court Orders/Subpoena

Client information will be released in response to a court order or valid subpoena issued by the court or other judicial body. No release of information is necessary in this case.

Law Enforcement Investigation

Client information may be released in response to law enforcement when the request is received in writing, signed by an appropriate official, stating that the information is required for an official investigation and citing the specific information required from the client's record.

Information on drug and alcohol abuse, mental health, and HIV/AIDS information may only be released by way of an order of the court.