



HIPAA Training



Introduction

As a Provider, Therapist, or Administrative Staff member of A Brighter Avenue (ABA), you will have access to information that the State and Federal government classify as HIPAA.

This training will help you to understand what HIPAA is, and how you are to handle this private information.



Objectives

- Define HIPAA & Confidential Information.
- Explain the consequences if HIPAA is violated.
- Understand how to prevent, identify and report violations or breaches.
- Provide steps to take if HIPAA is violated, whether intentional or by accident.



What is HIPAA?

- HIPAA is an acronym that stands for the Health Insurance Portability and Accountability Act of 1996.
- This is a Federal Law designed to provide privacy standards to protect patient's medical records and other health information provided to health plans, doctors, hospitals and other health care providers.

Confidentiality

Our members expect **ALL** their private health information (PHI) to be kept confidential.

This includes information that has been emailed or saved via a computer, written in records or on paper, or spoken on the phone or in conversation.

This also includes payment information or future payments for the provision of treatment.



Other Confidential Information

Other confidential information may include, but not limited to:

- Any information about health conditions, past or present, and/or future health plans.
- Any diagnosis and/or treatments
- The reason the member is receiving services

How does this relate to ABA?

At ABA, we have access to the private health information of our members.

This information may include health assessments, behavior assessments, diagnosis, and other private information.

It is important to understand when this information should be distributed to others and when it should not.

Trust



Our members and their families need to know that they can trust us with their private information.

Without this trust, we may not receive everything we need to know to properly care for our member.

Only those who truly need to know our member's information will have it shared with them.



Guidelines for Using & Disclosing PHI

You may disclose information, without a member's authorization, to the appropriate authorities:

- If required by law, court order, etc.
- To help law enforcement officials
- For abuse or domestic violence
- To notify of suspicious death
- To help disaster relief efforts
- To avert a serious threat to health or safety

Consequences

What happens if
HIPAA is violated?

Tier 1 \$100-\$50,000/violation
\$25,000 max

Tier 2 \$1,000-\$50,000/violation
\$100,000 max

Tier 3 \$10,000-\$50,000/violation
\$250,000 max

Tier 4 \$50,000/violation
\$1.5 M max



Agencies and their Providers/Staff can receive civil penalties up to \$25,000 for each violation, and criminal penalties up to \$250,000 and/or 10 years in prison for using HIPAA information for personal or commercial gain or to cause malicious harm.

Social Media



What impact does Social Media have on exploitation and abuse?

Photos may be shared and/or altered

Levels of privacy-oversharing information

People pretending to be other people

Boundaries – is he or she really your friend?

Financial exploitation

Security and safety could be compromised

Responding to Abuse & Neglect

We are all **MANDATED** reporters. This means that ALL known or suspected abuse and/or neglect **MUST** be reported.

- **Adult Protective Services** (if person is 18 years old or older) call (602) 542-0010
- **Child Protective Services** (if the person is 17 years old or younger) call (888) SOS-CHILD which is (888) 767-2445
- DDD also requires an incident report. This is form # DD-191-FF. You can google the form or contact the agency you work with to help with this.



Responding to Abuse & Neglect

- Abuse & Neglect is prohibited in all services and programs operated by the Department of Economics Securities (DES) and Department of Developmental Disabilities (DDD), and anyone doing so is subject to dismissal and prosecution.
- You are a mandated reporter, by law. This means that you have a legal obligation to report any reasonable suspicion that abuse, neglect, or exploitation are occurring.

Article 9: Red Light

If you remember from your Article 9 training, there are 6 teaching techniques prohibited, and under NO circumstances can a provider use any of these techniques.

1. Use of seclusion rooms (locked time out)
2. Overcorrection
3. Noxious stimuli (things that are unpleasant, such as fingernail scraping on chalkboard, washing mouth out with soap, or purposely wearing a perfume that you know they do not like).



Article 9: Red Light



4. Physical or mechanical restraints when used as a negative consequence to a behavior.

5. Behavior modifying medication if:

- Prescribed “as needed” (PRN)
- Interfering dosages
- In a residential setting – without a behavior plan

6. Psycho surgery, insulin shock, electroshock or experimental drugs.

Recognizing Abuse

Bruises

Non-accidental or suspicious bruising usually looks like the object that caused them such as hands, fingers, or other objects. They may have a pattern and are often located on the fatty parts of the body such as the buttocks, lower back, upper arms, and/or thighs.



Hand Marks or Lash Marks



Hand Marks



Grasp Marks & Finger Marks

These grasp marks were made by encircling the arm of a child who was grabbed by a frustrated caregiver.



Burns

A burn can be accidental or intentional.

Accidents do happen and sometimes people will pull things down and burn themselves. It is important to pay attention to how they are reporting the injury happened, does the story match the injury?

Look for burns that are unusual shapes, unusually large, or in unusual places. Here are some examples of types of burns:

- Scalding or immersion burn
- Cigarette lighter burn
- Steam iron burn

Other Signs of Abuse & Neglect

- Cuts
- Fractures
- Bone breakage (face or skull should be regarded as suspicious, also spinal fractures)
- Poor hygiene
- Medication Issues
- Skin infections
- Dehydration
- Malnutrition
- Sunburn
- Frequent illness/stress related illnesses
- Untreated long-term illness



Other Signs of Abuse & Neglect cont.

- Sexually transmitted diseases in a person not known to be sexually active
- Malnourishment
- Failure to thrive
- Frequently dirty
- Body odor
- Rotting teeth

Emotional Signs of Abuse & Neglect

- Depression
- Sudden unexplained changes in behavior, maybe even extreme
- Poor self-esteem
- No longer seems to have fun with activities, or is no longer joyful
- Withdrawal
- Random or lots of relationships, promiscuity, maybe even prostitution
- Violent artwork or play
- Trying to report abuse to caregiver, whether with words or actions.



Environmental Signs of Maltreatment

- Living conditions poor, filth in house, lots of clutter, garbage, rotten food, and waste (animal or human)
- Clothing is dirty or in disrepair
- Insect, rodent, or other animal infestation.
- Bad odors, or lack of clean air
- Does not go to school or other programs anymore, without any explanation as to why.
- Animals that live in the home also look abused or neglected.
- Living conditions are unsafe, house in disrepair (holes in floor, open outlets, bare wires, no water, no electric, no heat/air)
- No caregiver, or caregiver cannot be located



Sexual Abuse or Exploitation

- Sexualized behavior
- Sexualized aggression
- Inappropriate sexual knowledge
- Excessive, hurtful or sophisticated masturbation
- Wearing tight or revealing clothing, or wear multiple layers of clothing
- Abrupt change in behavior in response to personal safety
- Reluctance to undress for P.E. class
- Continual avoidance of bathrooms
- Pregnancy, sexual transmitted diseases, and/or unexplained genital or rectal bleeding





Abuse Happens

- It is important to know that abuse is widespread and not confined to any one cultural, regional, or economic group.
- It happens in rural areas, towns, suburbs and cities.
- All socio-economic levels (regardless of income) and the abuse is usually perpetrated by someone known to the victim.
- An abuser can look like anyone or be anyone. However, there are some personality characteristics that are common among abusers.

Profile of an Abuser



- Frustration with authority, which can lead to displaced aggression toward weaker persons
- Impulsive
- They themselves may have a history of being abused or neglected as a child
- They have a need to control others
- A need to feel as though they are the authority. They will make decisions for the person, tell them what to do, and expect them to obey without question. The abuser may treat the individual like a servant, child, or even as his or her possession.
- They lack attachment to the victim
- They devalue the victim

Permission to Touch

- Too often people are given the message that private areas only include the “privacy triangle” (genitals, bottom, and breasts). Individuals with developmental disabilities might take this message literally.
- Touching another person **anywhere** is off limits without that person’s consent. This is the message that parents, and caregivers should be teaching.
- **Every** part of the body is private, even the palm of the hand.
- There are times when touch is necessary to aid with personal care. We need to do this in ways that are respectful.

Permission to Touch

How would you feel if a total stranger started touching you?

- Vulnerable?
- Scared?
- Intimidated?
- Angry?

As a care giver, you can decrease these feelings when providing care.

- Introduce yourself
- Ask permission

Allowing the individual to feel safe and in control of the situation is always more important than the task at hand.

- Explain the task
- Ask
- Wait for response
- If yes, proceed (can be verbal or non-verbal) – If no, ask if someone else can help, or can we do this later? If still no, then that **MUST** be respected.
- Explain
- Fade assistance



Final Thoughts

- It is never your duty to investigate, only report. Leave the investigating to the professionals.
- You should never leave your client (the member) alone or unattended.
- You are never allowed to have unauthorized people with you while you are caring or working with your client.
- Services are only to be held in the member's home or out and about in the community. You are NEVER allowed to take the client to your home unless you have a Respite certified home, or unless you live in the same house with the member.



Quiz

Thank you for completing this training. To receive credit for this, you must complete the quiz (linked separately). You must score at least an 80% on the quiz, or you will have to redo the training.