



HIPAA

Employee Confidentiality

Privacy Information and Agreement

1. Privacy for Temporary Employees when on assignment
 - a. Agreement
2. Notice of Advanced Care Staffing Privacy Practices
 - a. Acknowledgement and Consent

SUMMARY OF HIPAA PRIVACY RULES FOR TEMPORARY PERSONNEL

The Department of Health and Human Services has adopted privacy regulations under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). These “Privacy Rules” require most doctors, hospitals and health insurers (“Covered Entities”) to develop procedures to limit the use and disclosure of patients’ protected health information (“PHI”) as well as notify patients of their rights with respect to such information.

In order to comply with the Privacy Rules, each Covered Entity must develop and implement its own privacy policy and procedures for the protection of PHI by April 14, 2003. However in many ways, these policies will simply reflect the “best practices” for patient privacy and confidentiality with which all health care workers should already be familiar.

Privacy of Patient Information

Although temporary personnel are likely to encounter some variations among privacy policies at different Covered Entities, all the policies should permit them (with a few exceptions) to:

- Disclose PHI to the patient himself (or to a child’s parent or guardian).
- PHI may also be disclosed to a person involved in the patient’s care, such as an elderly patient’s adult child or friend who is acting as interpreter, as long as the patient doesn’t object.
- There are few exceptions, such as psychotherapy notes in some states.
- Disclose PHI in accordance with a written patient authorization.
- Use or disclose PHI for purposes of treatment, payment or health care operations.
- Treatment purposes: **There are no restrictions on disclosures of PHI for purposes of treating a patient.** Medical staff may freely discuss a patient’s treatment among themselves.
- Other Purposes: However, disclosures of PHI for purposes of obtaining payment or for administering health care operations should be limited to the “minimum necessary” to accomplish the purpose. For example, although a hospital’s billing office may inform a collection agency that “Patient X owes \$Y to Doctor Z”, it may not disclose the nature of treatment Patient X received.
- Disclose “general directory information” about the patient.
- A hospital may provide general information about a patient’s status (excluding specific medical information) to telephone callers, or provide a list of Methodist patient’s to a visiting Methodist minister, as long as the patient hasn’t objected.
- Disclose PHI as required by law, or regarding potential victims of abuse, neglect or domestic violence, or to avoid a serious threat to health or safety.
- For example, a hospital may respond to a police inquiry by disclosing that is treated a patient for a gunshot wound, and a doctor or nurse may report an abused child to the proper authorities.

If you are asked to make any disclosures which violate these guidelines, or which do not seem to you like professional “best practices”, you should contact *Advanced Care Staffing*.

(However, you should be aware that reasonably unavoidable disclosures which are “incidental” to permitted uses of PHI do not violate the Privacy Rules. For example, a hospital does not violate the Privacy Rules if a visitor improperly removes a covered or inward-facing patient chart from its holder and reads it, and a pharmacist may discreetly discuss a prescription with a customer at the pharmacy counter, even though other customers might overhear).

NOTICE OF PRIVACY PRACTICES

EFFECTIVE APRIL 14, 2003

This notice describes how medical information about you may be used and disclosed and how many obtain access to this information. Please review it carefully.

At Advanced Care Staffing, we respect the confidentiality of your medical information and will protect information in a responsible manner. We have a privacy program in place that meets the requirements of HIPAA, the government legislation that sets standards for the privacy of medical information.

This notice will be effective for all medical information that we maintain, including medical information we created or received before April 14, 2003.

DEFINITION OF MEDICAL INFORMATION

When Advanced Care Staffing refers to medical information, we mean protect health information (PHI). PHI is information that is individually identifiable health information including demographic information collected.

USES AND DISCLOSURES OF PHI

Health Care Operations- Your medical information may be used and disclosed in connection with our health care operational including:

- **Case management and care coordination.**
- **Quality assessment and improvement activities and protocol assessment.**
- **Reviewing the competence or qualifications of health care professionals, evaluating provider performance, conducting training programs, accreditation, certification activities, and credentialing activities.**
- **Conducting legal services, compliance programs, fraud and abuse detection/**
- **Business planning and development.**

Additional disclosures-PHI may be disclosed;

- **To another entity that has relationship with the organization for their health care operations relating to quality improvement and assessment activities, reviewing competence or qualifications of health care professionals.**
- **To other entities that assist us in conducting our health care operations.**

We will not disclose your medical information to those persons or entities unless they agree to keep it protected.



Assigned Employee Confidentiality and Privacy Agreement

Date: _____

As a condition of my assignment by Advanced Care Staffing (“Staffing Agency”) with any assigned Advanced Care Staffing Client (“Client”), I hereby acknowledge and agree as follows:

I will not use, disclose, or in any way reveal or disseminate to unauthorized parties any information I gain through contact with materials or documents that are made available through my assignment at Client or that I learn about during such assignment.

I will not disclose or in any way reveal or disseminate any information pertaining to Client or its operating methods and procedures that comes to my attention as a result of this assignment.

Under no circumstances shall I remove copies or documents from the premises of Client.

I have read the attached “Summary of HIPAA Privacy Rules for Temporary Personnel” and understand it. During my assignment with at Client, I will abide by the principles described in this attached summary as well as any privacy policy provided to me by the Client. In particular, I will not use, disclose or in any way reveal or disseminate any protected health information that I learn in connection with any assignment, except in accordance with such principles and privacy policy.

I understand that I shall be responsible for any direct or consequential damages resulting from any violation of this Agreement. This obligation of this Agreement shall remain in effect even after my employment by Staffing Agency has ended.

Assigned Employee

Witness

Printed Name

Printed Name

Signature

Signature

Date

Date

For the Public Benefit- as authorized by law for the following purposes:

- As required by law
- For public health activities, including disease and vital statistic reporting, FDA oversight, and for work related illness or injury
- To health oversight agencies
- In response to court and administrative orders
- To avert a serious threat to health and human safety

Your written authorization is required for all other uses and disclosures of your PHI. You may revoke your authorization at any time. However, your revocation will not affect any use or disclosure you permitted to your revocation.

YOUR RIGHTS

Access to your information — You have the right to inspect or obtain a copy of the medical information about you that is contained in a “designated record set”. The organization may ask you to submit your request in writing.

Accounting of disclosures – You have the right to receive a list of instances in which we or our associates disclosed your PHI for purposes other than health care operations or those authorized by you.

Confidential Communication – You have the right to request that we communicate with you about your PHI by a different means or at a different location. You make this request in writing,

Amending your PHI – You have the right to request that we amend your PHI contained in the “designated record set” if it is not correct or complete. We may require that this request be in writing.

Complaints – You have the right to file a complaint if you believe your privacy rights have been violated. You may file this complaint with Advanced Care Staffing and/or the Secretary of the Department of Health and Human Services. All complaints to Advanced Care Staffing must be made in writing. We support your right to protect your PHI.

HIPAA PRIVACY NOTICE

ACKNOWLEDGEMENT AND CONSENT

I acknowledge that I have been provided with a notice of privacy practices and have been advised of how health information about me may be used and disclosed by Advanced Care Staffing and how may I obtain access to and control of this information.

Signature/Title

Date