

HIPAA Fact Sheet

HIPAA Overview

The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) mandated regulations that govern privacy, security and administrative simplification standards for health care information. Final privacy regulations became effective in April 2001, and hospitals had until April 14, 2003, to come into compliance. HIPAA requires major changes in how health care organizations handle all facets of information management, including patient records.

Release of Patient Information

The HIPAA privacy regulations provide for the release of limited information about the patient when someone specifically asks about the patient by name. Unless a patient objects, the following information may be placed in a **hospital directory**.

- patient's name
- patient's location in the health care provider's facility
- patient's condition, described in general terms that do not communicate specific information about the individual
- patient's religious affiliation (may only be released to clergy, who do not have to inquire about a patient by name)

If a patient is unable to communicate for the purpose of objecting to or restricting the use of directory information, such information can be released only if any past preferences are known and disclosure is in the best interests of the patient, in the professional judgment of the medical services provider.

HIPAA privacy standards establish a minimum acceptable threshold for the use and release of a patient's health information. State and other federal law, as well as hospital policies, may establish stricter standards.

Penalties for HIPAA Violations

- The government may impose civil and criminal penalties of as much as \$50,000 and/or imprisonment for as long as one year.
- If the offense is one of disclosure under false pretenses, the fine is a maximum of \$100,000 and/or imprisonment for as long as five years.
- If the offense is committed with the intent to sell, transfer or use patient information for commercial advantage, personal gain or malicious harm, the fine is a maximum of \$250,000 and/or imprisonment for as long as 10 years.

Rights of the News Media

Under HIPAA, media representatives have the same rights as anyone else — to information contained in the hospital directory to the extent the patient has not limited or opted out of having that information made available. The fact that the media may know the name of a patient who may, for example, have been involved in an accident or a crime, **does not give them any additional rights with respect to confirming the patient's treatment, admission or other patient-related information.**

However, **HIPAA applies only to covered health care entities**, including hospitals, physicians and emergency medical or ambulance personnel. Fire, police and other officials at the scene of an accident who are not covered by HIPAA may be able to release additional information. Patients are also free to provide their own information.

Hospitals did not ask for HIPAA, but the privacy regulations govern what information hospitals can release.

Condition of Patient

Only a physician can determine the patient's diagnosis and/or prognosis. Most physicians in hospitals use the following terms to describe a patient's condition:

Undetermined – Patient currently being evaluated.

Good – Vital signs are stable and within normal limits. Patient is conscious and comfortable. Indicators are excellent.

Fair – Vital signs are stable and within normal limits. Patient is conscious, but may be uncomfortable. Indicators are favorable.

Serious – Vital signs may be unstable and not within normal limits. Patient is acutely ill. Indicators are questionable.

Critical – Vital signs are unstable and not within normal limits. Patient may be unconscious. Indicators are unfavorable.

Treated and Released – Received treatment but not admitted.

Treated and Transferred – Received treatment. Transferred to a different facility.

HIPAA Resources

- An OHA media guide on the release of patient information is available online at www.ohanet.org/media/mediaguide.htm.
- The Ohio Hospital Association, Ohio State Medical Association and Columbus area law firm Bricker and Eckler, LLP, joined forces to create the *HIPAA Privacy Joint Information Center*, online at www.bricker.com/hipaa/.