

Ten Commandments of HIPAA

- 1. Every patient must be notified** of their health information privacy rights at their first visit. They must sign an acknowledgment, or you must document that they declined or were unable to sign.
- 2. "Protected health information"** is everything involving health status, treatment, or payment for care.
- 3. "Identifying information"** includes name, dates other than year, location smaller than state (e.g., county, city, street), contact information, ID and account numbers, and biometrics including voice prints and full-face images.
- 4. Protected health information linked to identifying information** cannot be disclosed to anyone, without the subject's written permission, except under the following limited circumstances below.
- 5. One health provider may share information with another health provider**, without permission, directly or via media, about a person to whom they both are giving care, concerning the condition/s they both are treating. Communications media include written, spoken/signed, phoned/faxed, and electronic.
- 6. A provider may share information with a designated significant other or interpreter**, about a person to whom they are giving care, concerning the condition/s they are treating.
- 7. In an emergency**, notification of privacy is waived until the emergency is resolved.
- 8. Law enforcement personnel** may obtain health and identity information without written permission, if they have a subpoena, court order, or warrant signed by a judge or clerk of court. By law, "administrative requests" (e.g. for civil exclusion-zone-related investigations) must include a written statement that the information needed is relevant, material, specific and limited, and that de-identified information cannot be used.
- 9. Mandated reporting, adult 18+:** If an adult patient sustains a non-accidental injury by knife, gun, or other deadly weapon, the treating physician or registered nurse must report this to law enforcement authorities immediately, by phone or in person, and subsequently as a written report.
- 10. Mandated reporting, child <18:** If a child sustains a non-accidental physical or mental injury or sexual assault/ abuse/ exploitation, the treating physician or registered nurse must report this to law enforcement authorities immediately by phone or in person, and subsequently as a written report.

Penalties:

If you didn't know HIPAA, \$100-25,000/violation.
Knew ,but reasonable mistake, \$1,000-100,000/violation.
Willful neglect, but you fixed it, \$10,000-\$250,000/violation.
Willful neglect, and you didn't fix it, \$50K each, max \$1.5M.
Personal gain/malicious intent, add 1-10 yrs prison time.

References:

HIPAA fast facts: <http://1.usa.gov/Lbhflt>
Provider's guide: <http://1.usa.gov/yKWXAi>
Everything U ever wanted 2 no: <http://1.usa.gov/1332oW>
About law enforcement:: <http://1.usa.gov/dMyKsY>
Oregon law, mandated reporting: <http://bit.ly/K18Rxo>