

DAVIS FIRE DEPARTMENT MANDATORY HEALTH & PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA) PRIVACY SUMMARY FOR FIREFIGHTER OBSERVER RIDE-ALONG PROGRAM (FORP)



Goal of Training:

- **Purpose** of the summary is to address the 1996 Health Insurance Portability and Accountability Act of 1996. Legislation is based around health information and has varying effects in departments. Departments that have known impacts are: Health; Alcohol, Drug, and Mental Health; Department of Employment and Social Services; Probation; Public Guardian; Sheriff; Human Resources; and Information Technology. May be impacts to a lesser degree in other departments.
- **Davis Fire Department is defined as a “Hybrid” Covered Entity.** Hybrid entity is an organization that has health care elements with the organization, but the principal purpose of the organization is not health care.
- **Privacy in a nutshell:** *Davis Fire Department does not sell, trade, share or use protected information for any other purpose than for payment, treatment or other business operations.*

What is it We’re Trying to Protect?

- Information that could reasonably identify an individual and the past, present or future condition of the individual. As an example:
 1. Mitchell Marshall, who works in the Health Department, had a tooth extracted.
 2. Froggy Mann of 2121 Underhill Lane, Esparto, had a positive TB chest x-ray.

Information not covered by HIPAA but covered by other privacy laws:

1. Employment information, e.g., BFOQ-related health test
 2. Worker’s compensation information
 3. “First Report of Injury,” i.e., for WC
- There are some allowable uses and disclosures. “Use” is internal, “Disclosure” is external. Example: Internal measurements (e.g., to improve service delivery) is an “allowable use.”

Sanctions and Penalties:

Penalties: Civil *and* Criminal. Fines, Jail or both. *Example:* Dave Nelson sells the Indigent Health client list to a drug manufacturer. \$250K fine and 10 years in prison, assuming he couldn't afford Cochran.

Sanctions: For violations not deemed major or criminal, but still serious. Progressive discipline ranging from "employee counseling session" to dismissal.

But...what if Dave Nelson was *not* informed/trained about privacy...then penalty moves to next higher desk, i.e., his *boss*.

Internal penalties are Progressive Discipline up to an including termination.

How You Must Protect Information:

- Be conscious of what information you have, be aware of how we use the information, knowing beyond a reasonable doubt that we have not compromised City electronic security measures, reporting privacy/security breaches, fix systemic security problems quickly, promote "best practices" within department.
 - **Proper SECURITY of information:** 10% of Security is electronic or mechanical, 90% is between the ears. Examples: Employee "concern" and gossip. Talking at lunch. Sharing confidential information with your spouse -- neighbor -- janitor -- co-worker -- boss.
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Forms, Handouts and Documents Needed to Comply with HIPAA:

Notice of Privacy Practices

Limited Data Sets (definitions)

Business Associate Agreement

Authorization (Used to obtain clients permission to disclose their information for a particular purpose. Example: Multiple Disciplinary Teams and research. Authorization is VERY specific, no blanket authorizations. Authorization revocable by the client any time.)

Client Rights:

Any client of Davis Fire Department (e.g., someone coming into one of our stations):

- Has the right to know the defined uses and disclosures for health information, how we keep track of disclosures, and the complaint process for misuse of information.
 - Must be informed of the name and how to contact **Battalion Chief** who will work with the County Privacy & Security Officer to insure compliance with HIPAA and the County Privacy and Security Policy.
 - **...is protected for being a “Whistle Blower”**: By law there will be no reprisals for clients or employees who report suspected violations of the City of Davis Policies or federal law (i.e. HIPAA).
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Your Responsibility:

- You are receiving this training because you may come in contact with protected health information. As such:
 1. When you are exposed to or working with health information specific to an individual, or similar information, you **must** keep it confidential. Remember to not gossip.
 2. If you see this kind of information being disclosed or used improperly you **must** report it.
 3. In reporting suspected misuse, the order of reporting is: First, your supervisor; Second, Battalion Chief; Third, the County Privacy & Security Officer; Four, the County Privacy & Security Appeals Officer; and lastly, the U.S. Department of Health and Human Services. Reporting will be kept confidential.
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Acknowledgement of Davis Fire Department Mandatory HEALTH & PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA) PRIVACY SUMMARY FOR FIREFIGHTER OBSERVER RIDE-ALONG PROGRAM (FORP)



By my signature below, I acknowledge that I have received a copy of the Davis Fire Department Mandatory HIPAA Training and have been trained by a person familiar with its requirements:

Observer:

Print Name _____

Signature _____ Date Signed _____

Person who Conducted Training:

Print Name _____

Signature _____ Date Signed _____

RECEIVED BY DFD OFFICER [INITIALS]: _____ DATE: _____
APPROVED BY DFD BATTALION CHIEF: _____ DATE: _____