

The Federal Health Insurance Portability and Accountability Act of 1996 (known as HIPAA)

Consumer Rights

Consumer Directions provides services to people who have disabilities or receive other services. Families and the people we serve have a right to privacy, under state and federal law. As a Consumer Directions employee, you must treat any and all personal health information about people you work with as confidential. “Confidential” means that any health information about a consumer you work with should not be used, disclosed, discussed, or shared with anyone outside of the family or Consumer Directions, unless you have the permission of the family or Managing Party. There are penalties for using or disclosing protected health information when it is not necessary for the care of the consumer or for the business operation of Consumer Directions.

Health information about individuals includes all records, files, and other information that contains any health data in which an individual is or can be identified. It includes information that is collected, stored, and disseminated by paper, electronic, oral, or any other means.

Federal Law: the Health Insurance Portability and Accountability Act (HIPAA)

The federal Health Insurance Portability and Accountability Act of 1996 (known as HIPAA) established consumer rights and health provider responsibilities as they relate to the use and disclosure of protected health information. Consumer Directions is considered a “health provider” and its employees must comply with the Act.

“Protected health information” is defined as any information, in any form, related to an identified individual’s past, present, or future health condition, health care or payment for health care. The information can be written, oral, paper, or electronic format. As part of their jobs, many Consumer Directed Support Staff employees will have access to a person’s health information, such as the nature of their disability, types of medications taken, and other similar information.

In general, Consumer Directed Support Staff should not disclose any protected health information for any reason other than for the care of the individual. Information should not be shared with anyone except as necessary to carry out the duties of the job. If a Consumer Directed Support Staff is in the possession of any written files or records, care must be taken not to allow anyone to view those records.

When information must be disclosed for legitimate purposes related to the care of an individual, a Consumer Directed Support Staff must be careful to disclose only the minimum amount of

information necessary. If the Consumer Directed Support Staff has any questions about the release of information, the Managing Party or the Guardian should be consulted.

Protected health information may be disclosed in an emergency, for law enforcement purposes, in cases of abuse or neglect or domestic violence, and in other situations as required by law. Great Care should be taken to ensure that health information is not used for non-health purposes. If there is any question about whether a use or disclosure is appropriate, the Consumer Directed Support Staff should consult with the Managing Party or the Guardian.

The federal government may impose severe civil and criminal penalties for violating a person's health privacy, including fines up to \$250,000 and ten years imprisonment.