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Privacy dashboards: Tracking and reporting for compliant PHI disclosure management

By Rita Bowen, MA, RHIA, CHPS, CHPC, SSGB

Rita Bowen (rbowen@mrocorp.com) is Vice President, Privacy, Compliance and HIM Policy at MRO, Norristown, PA.

In today's volatile healthcare environment, the threat of privacy and security breaches has become a perpetual concern. Consider the July 2017 incident involving a Utah hospital nurse arrested for refusing to allow a police officer to draw blood from an unconscious patient. As a responsible healthcare professional, the nurse was complying with hospital policy and the HIPAA Privacy Rule^[1] governing disclosure of patient information. In doing so, she prevented a breach of privacy while placing her own safety at risk. The police officer was ultimately fired and his watch commander demoted for poor judgement and failure to respect HIPAA's patient protection rules.^[2]

This case has focused national attention on the complexities of HIPAA compliance — adherence to guidelines that ensure proper release of protected health information (PHI) and prevent breach of privacy. It also points to the importance of properly disclosing patient information, centralizing release of information (ROI) activities, implementing proactive processes, and tracking privacy data.

Common privacy risks with disclosure of PHI

Managing the disclosure of PHI is more complex than ever, due to evolving federal regulations, patient access rights, and pressure to manage and exchange health information electronically. Because multiple departments release PHI, there are concerns and risks across the entire enterprise.

The most frequently impacted areas include the Emergency department (ED), Health Information Management (HIM), Radiology, the business office, and physician practices — although disclosures can occur in any area or provider setting. For individuals whose primary tasks do not include PHI disclosure, keeping privacy regulations top of mind is a challenge. Without ongoing education and process change, the potential for risk escalates.

For example, the business office might quickly release records to a payer to expedite reimbursement without taking time to verify delivery details, check for comingling of medical record data, or adhere to "minimum necessary" guidelines. Another scenario may involve front desk personnel in Radiology or a physician practice hastily printing PHI for the patient without proper authorization or verified dates of service. In the fast-paced ED, disclosure management can be a distraction, impinging on caregivers' focus, when administrative staff are much better equipped with the knowledge to safeguard PHI.

Best practice is to assign PHI disclosure and ROI responsibilities to a focused group of professionals who understand the regulations, receive ongoing education on changes, and realize the complexities of the process.

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