

# HIPAA

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For Long-Term Care Ombudsmen

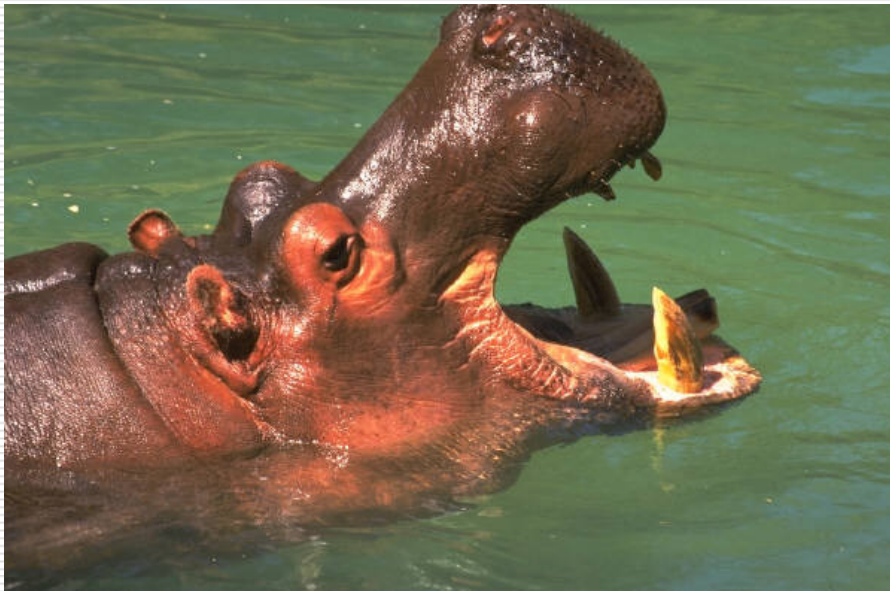
Based on AOA-IM-03-01

*Sara S. Hunt, Consultant, April 2003*

# HIPAA

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- Health Insurance Portability and Accountability Act of 1996



# “Privacy Rule”

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- ❑ Implementing provisions of HIPAA
  - ❑ Full name, “Standards for Privacy of Individually Identifiable Health Information”
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# Long-Term Care Ombudsman Program (LTCOP)

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- Is a “health oversight agency”
  - The Privacy Rule does not preclude release of residents’ clinical records to the LTCOP, with or without authorization of resident or resident’s legal representative.
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Since LTCOP is a Health Oversight Agency,

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- Nursing homes and other “covered entities” may, in response to appropriate ombudsman inquiries, share other information without fear of violating the Privacy Rule.
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# LTCO Access to Residents' Records

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- ❑ Continues as before, consistent with federal and state laws.
  - ❑ Ombudsmen have provisions for accessing residents' records and provisions for handling confidential information which remain unchanged.
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# LTCO always want to be seen

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- Encouraging consumers to access and use their own medical information and records,
  - Upholding residents rights, and
  - Following LTCOP procedures regarding confidential information.
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# Residents and Family Members Access to Information

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Residents and their personal representatives have the right to:

- Inspect their clinical files,
  - Ask for corrections,
  - Request restrictions on disclosure to particular entities, and
  - Other rights.
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# A Personal Representative

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- Is someone who “under applicable law” has the “authority to act on behalf of an individual...in making decisions related to health care.”
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# A Covered Entity May Provide Access

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- To a family member who lacks the legal authority of a personal representative pursuant to an authorization that meets Privacy Rule requirements.
    - This authorization can be for an extended period of time.
  - In addition, family members who are involved in a resident's care or payment may have access to information necessary for these purposes.
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# Resources for More Information

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- ❑ National Long-Term Care Ombudsman Center Web site:  
[www.ltcombudsman.org](http://www.ltcombudsman.org)
  - ❑ HHS HIPAA Privacy Website and OCR Final Regulations,  
<http://www.hhs.gov/ocr/hipaa/finalreg.html>
  - ❑ HHS CMS Information Including Questions and Answers  
<http://www.cms.hhs.gov/hipaa>
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