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**Privacy – How Have the New Laws Affected us?**

*By Carla Albano, Administrator*

It has been over a year now, and nearly each and every American has been touched in some way by the Health Insurance Portability and Accountability Act of 1996, otherwise known as HIPAA. Perhaps you have met resistance within the healthcare delivery system, or conversely, maybe you have felt more secure in revealing intimate details about you or your loved one’s medical conditions.

This article shall examine the impact of the law in our daily lives, focusing upon ways in which people who are caring for their selves or others can use HIPAA to their best advantage. Below, we will examine six situations you may encounter and advice for dealing with private information in each situation. .

***Situation #1) “You cannot have a copy of your own medical record”***

Absolutely untrue. The person who tells you this needs a lesson in “HIPAA 101”. HIPAA expressly provides for any person to be able to have access to their own medical record. You are entitled to receive such records within 30 days of your request; though you may need to pay some costs such as copying and postage.

***Situation #2) “The privacy law prohibits me from talking to you about your loved one”***

The law provides any person who is authorized (by the patient) to receive protected health information. Your response to this common situation is to ask how you can become authorized to speak with the provider. Usually your loved one will need to sign an authorization form. If they already have signed such a form, kindly remind the person denying you access, that you have been already authorized.

*continued on inside...*

**Editors Note:**

The Atlantic waters are calm as this edition of our newsletter goes to print. So far this summer we have “dodged the bullet” in terms of Hurricanes in South Florida. I am hoping that you took note of our last issue which contained important hurricane planning information, including a shopping list. Should you be in frantic search of the list as you pull into Home Depot, just give us a call. We would be happy to send you another copy. Our best wishes to all our colleagues, employees and friends for a safe and uneventful hurricane season.

**George Cann  
Editor**

Newsletter



**Survivor Party in Fort Myers!**

On July 24, our Ft Myers office celebrated “a job well done” by having a Survivor party. We have just implemented a telephonic recordkeeping system called Clockworks, and all of our Ft. Myers employees did a fan-

tastic job in learning this new system. Many employees and their families attended. They enjoyed exotic refreshments, games, drawings and prizes. As the pictures show, fun was had by all.



## Spotlight on the Caregivers

### Fort Lauderdale

#### July 2004



**Jennifer L.** joined Alternative in 2002. Jennifer has had many satisfied clients. Ms. K, The daughter of her current client recently shared that Jennifer “ really knows her stuff”. Ms. K appreciates Jennifer’s professionalism and her wonderful personality. Jennifer is also very popular with our schedulers and office staff. She has been known to do emergency and short term assignments at the last moment, with lots of smiles and enthusiasm. Thank you and congratulations.

#### August 2004



**Cynthia H.** joined Alternative in January of 2003. During this time we have received many complements describing Cynthia as compassionate, always smiling, confident, and very intuitive. Cynthia knows what to do without being told. Cynthia knows what respect is. She takes much care to fix one client’s hair nicely on the days she goes out, assuring that the client is always well-dressed. We are very proud that Cynthia is a part of our team to give “peace of mind” to both the client and the families she serves. Thank you and congratulations, Cynthia.

### Fort Myers

#### July 2004



**Dunnys A.** With her ever-present smile and always cheerful attitude, Dunnys is a welcome sight to all her clients. Dunnys joined the Alternative team in March 2004 and immediately began working her magic. Several of Dunnys clients, after having her as a caregiver for a few short weeks, called the office to request more hours of service because they were so pleased were her high quality of care and her ability to make them smile. Congratulations and thank you Dunnys.

#### August 2004



**Jeannette M.** has been with Alternative since September of 2001, and has proven herself to be a dependable, hardworking employee. In addition to taking care of a couple of regular clients, she is always open to taking on a new case, and can be counted on to help us out in a pinch. She pleases her clients with her attentiveness, reliability, and dedication. She is always a joy for our office staff. Congratulations, Jeannette!

## Employee Anniversaries:

### Fort Lauderdale

**7 years**  
Odie B.  
Sunny F.  
Minna H.

**6 Years**  
Valera C.  
Sheryl H.

**5 years**  
Inez D.  
Carol M.

**4 years**  
Beulalee A.  
Bernice B.  
Leatha S.

**3 years**  
Fredrica C.  
Beverly C.  
Monica C.  
Muriel F.  
Stephanie I.  
Barbara M.

**2 years**  
Yvonne C.  
Diane E.  
Zen F.  
Freddie Mae J.  
Justina J.  
Sandra M.  
Lesley P.  
Marie P.  
Any W.

**1 year**  
Nathalie D.  
Julie J.  
Hubert M.  
Janet S.

### Fort Myers

**1 Year**  
Luz B.  
Judy H.

## Privacy – How Have the New Laws Affected us?

*continued from cover*

**Situation #3) “Hi – I’m a telemarketer. Are you or your loved one interested in receiving information on an organic remedy? Your doctor gave me your phone number.”**

HIPAA severely restricts the use of patient information for marketing purposes. However, be careful about what you sign. There is a loop-hole that permits release of information upon patient authorization. Therefore, when you are handed the onerous privacy forms to sign, be sure you are not allowing the provider to release your phone number to a marketer.

If your provider violated the law, you can file a complaint. Complaints are filed with the Office of Civil Rights (866) 627-7748 or <http://www.hhs.gov/ocr/hipaa>. The web site contains a form and understandable instructions on how to file a complaint. The law also provides for strict monetary and criminal penalties.

**Situation # 4) The doctor’s office calls your place of work and tells the receptionist to give you a message. “Your next appointment with the neurologist is Friday at 2:00 pm.”**

HIPAA also requires that providers take reasonable steps to ensure their communications are confidential. This example clearly violates this right. It is likely this provider has violated their own policy, and this is a reportable violation, as described in #3 above.

**Situation #5) Emergency Room personnel will not discuss the condition of your loved one, because your loved one (at the moment) cannot verbally provide consent.**

Patently false. The law provides for exception of signed consents, when an emergency arises. However, protected health information only relevant to the emergency may be discussed, and only to the extent that it is required to treat the patient. Such information is restricted to a “need to know basis”, meaning that only key medical personnel and family can discuss protected health information.

**Situation #6) There has been a falling out in the family, and you do not want certain relatives to be able to discuss your medical condition with your doctor.**

You are in control of access to your protected health information. Contact your providers to re-sign your authorization forms. There should be a section on the forms for you to either include or exclude certain individuals. If there is not such a section, hand -write your desires on the form, or on a separate page. Your providers should always observe your requests, and if not, it is a violation of the law.

In closing, I hope the above situations are helpful to you. For additional information contact The United States Department of Human Services, Office of Civil Rights at (866) 627-7748 or <http://www.hhs.gov/ocr/hipaa>.