

HIPAA Monthly Alert



2020 September

Liberty Healthcare Corporation

 Questions regarding this alert?
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Minimum Necessary Standards:

An employee did not observe minimum requirements when they left a telephone message with the daughter of a patient that detailed both her medical condition and treatment plan. An OCR investigation also indicated that the employee did not follow the confidential communications requirements when leaving a message on the home telephone number, despite patient instructions to contact her through her work number. To resolve the issues in this case, the organization developed and implemented several new procedures. One addressed the problem of the minimum necessary information in the telephone message content. As a result, employees had training on providing only the minimum required information in messages and given specific directions as to what information they can leave on a voicemail. Employees also were trained to review registration information for patient contact directives regarding leaving messages. The new procedures integrated into the staff privacy training, both as part of a refresher series and mandatory yearly compliance training.

The Process to Obtain Valid Authorizations:

A complaint to the OIG alleged that an organization impermissibly disclosed a member's PHI when it sent the entire medical record to an insurance company without patient authorization. An OCR investigation indicated that the form the organization relied on to make the disclosure was not a valid authorization under the Privacy Rule. Please review Liberty's HIPAA Standard Operating Procedure #6 — Authorization Requirements and review the HIPAA privacy-compliant authorization form to ensure that your program's authorization form is HIPAA compliant.

Entity Rescinds Improper Charges for Medical File Copies:

A patient alleged that an organization failed to provide access to their medical records. After OCR notified the organization of the allegation, the organization released the patient's medical records but also billed him \$100.00 for a "records review fee" as well as an administrative fee. The Privacy Rule permits the imposition of a reasonable cost-based charge that includes only the cost of copying and postage and preparing an explanation or summary if agreed to by the individual. As a resolution, the covered entity refunded the \$100.00 "records review fee."

Reference: <https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/examples/all-cases/index.html>

Please look for next month's HIPAA alert delivered through your email. You can also find the HIPAA monthly alerts on Employee Self Service (ESS).