

## **HIPAA: Facts and Information**

### **What is HIPAA?**

The intent of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) is to improve the efficiency and effectiveness of the health care system through the establishment of standards and requirements for the electronic transmission of certain health information, by combating fraud, waste, and abuse and by establishing security and privacy standards.

### **How is Polk County School Board affected by HIPAA?**

The Polk County School Board (PCSB) must follow HIPAA guidelines for employees and students. PCSB may provide information and request information about the health of both employees and students. The information is considered Protected Health Information (PHI).

### **What is Protected Health Information (PHI)?**

PHI is information held or disclosed by the covered entity in any form (electronic, paper records, oral communications) that:

- Identifies an individual
- Relates to:
  - The individual's past, present, or future physical or mental health or condition
  - The provision of health care to the individual
  - The past, present, or future payment for the provision of health care to the individual

### **What areas and departments are impacted by HIPAA regulations?**

This list includes but is not limited to:

- Exceptional Student Education (ESE)
- Student Services
- Human Resources
- Risk Management
- Wellness Program
- Schools and the Clinics within the Schools
- Health Education and Services
- Information Technology Services
- Transportation

### **Examples of how HIPAA privacy regulations might be violated.**

This list includes but is not limited to:

- Sharing information about a student's ESE status without parental permission or permission of that student who is 18 years of age or older.
- A secretary or clinic aide leaves health information about students in plain view of office/school staff and does not secure the PHI in a locked file or cabinet.
- One of the school district's finest principals just had a stroke and is in the hospital. Another principal announces over the intercom all the details of the sick principal without his permission.
- You heard someone at church ask for prayer for a family with AIDS. You find out who the family is and you share that information with your friendly co-worker.

- You are walking through the office and inadvertently see a form on the floor with student health information on it and you share that with your friendly co-worker.
- You go out to dinner and discuss PHI with co-workers, friends or family.
- A co-worker has been on medical leave due to depression, you know and share that information with others.
- You miss-send faxes and emails.
- Improper disposal of files and papers containing PHI.

### **Where does FERPA fit?**

The Family Educational Right to Privacy Act (FERPA) also known as the Buckley Amendment, covers “education records” (20 USC S. 1232g) and fits right next to HIPAA and includes some overlap. Locally, F.S. 1002.22 covers student records too. Both state and federal law and HIPAA protect student records that contain PHI. Student records are covered by all of the above.

### **Rule of Thumb**

When in doubt, don't give it out. The consequences include civil and criminal penalties.