

HIPAA and Beyond

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Objectives

- Discuss the role of ethics in the profession of medical transcription.
- Identify and understand various ethical principles.
- Understand the Code of Ethics of the Association for Healthcare Documentation Integrity.
- Apply ethical principles to various dilemmas posed by the profession of medical transcription.

Role of the Medical Transcriptionist

- **Contribute to patient care:**
 - **Ensure accuracy of medical record**
 - **Protect confidentiality of patient information.**

Why is Medical Record Important?

- Documentation of services provided.
- Communication among providers.
- Information for billing and collection purposes.

Why is Medical Record Important?

- Satisfy regulatory requirements (Joint Commission, DOH Rules).
- Evaluation of providers' performance and competency.
- Evidence in malpractice actions.

Ethics

- Why do we talk about ethics?
- Ethics and the law.

Definitions of Ethics

1. The discipline which deals with what is good and bad, and with moral duty and obligation.
2. A set of moral principles; a theory or system of moral values.

Merriam-Webster

Ethics

- Declaration of what is right or wrong.
- System of values and beliefs.
- Governs conduct.
- System of morals for group.

Types of Ethics

➤ Business Ethics

Vendor Relationships

➤ Biomedical Ethics

Clinical Ethics

Research Ethics

➤ Professional Ethics

Physicians

Nurses

Attorneys

Medical Transcriptionists

Professional Ethics

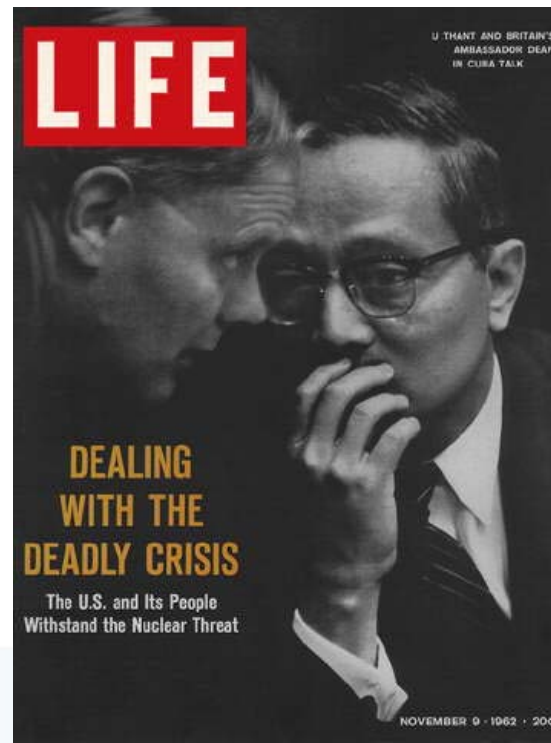
- Has to do with the proper exercise of special knowledge and power delegated by society to certain professions.
- Internal regulation of the profession.
- AMA Code of Ethics (1847).

Biomedical Ethics

- The study and application of ethics to the ethical controversies brought about by advances in biology and medicine.

Birth of Biomedical Ethics

- November 9, 1962
 - “They Decide Who Lives, Who Dies: Medical Miracle Puts Moral Burden on a Small Community.”



Birth of Biomedical Ethics

➤ Factors:

- **New Technology:** dialysis, ventilators, CPR, heart transplants (1967).
- **Abuse of research subjects (Tuskegee) (1972).**
- **New attitudes toward death and dying (Kubler-Ross, Hospice, etc.).**

History

- **Karen Ann Quinlan Case – patient and family rights:**
 - **Criminal homicide versus right to privacy versus taking her off ventilator.**
 - **Case and treatment lasted from 1976-1985.**



History



➤ Nancy Cruzan Case



Ethical Dilemma

- Choice between two equally unfavorable alternatives.
- Conflict between:
 - individual rights.
 - between individual and group.
 - between groups.
- No simple correct decision.
- Must defend decision.



The Principles of Biomedical Ethics

- **Beneficence**
- **Non-maleficence**
- **Justice**
- **Autonomy**

Beneficence

We ought to act first and foremost in such a way as to promote the good of the patient.

- ✓ Commitment to the patient's good outweighs self-interest (“fiduciary duty”).
- ✓ May involve balancing benefits with risks.
- ✓ Ancient roots. Hippocrates: duty to act so as to promote the benefit of the patient.

Non-maleficence

Primum non nocere: first [or above all] do no harm.
We ought to act in such a way as to avoid harming the patient.

- ✓ Also with roots in Hippocrates.
- ✓ Current issue: patient safety.
- ✓ Balancing benefits and risks/harms.

Justice

We ought to act in such a way as to promote fairness and just distribution of resources. The reality of limited resources.

- Actions are consistent, accountable, transparent.
- No discrimination based on age, sex, religion, race, position or rank.
- Equity & distribution of burden & benefits.
- Fairness.

Respect for Autonomy

We ought to act in such a way as to respect the patient's freedom to choose a course of action (or non-action) in accord with his or her own values and circumstances.

- “Respect for persons.”
- Right to self-determination – to make own decision related to health care.
- Issues of privacy, choosing freely, responsibility.
- Right to information.

Respect for Autonomy

- **Maintain the confidentiality of all personal, medical and treatment information.**
- **Information revealed with consent and for the benefit of the patient.**
- **Exception: ethical and legal requirements.**
- **Disclosure limited to what is required.**

It's HIPAA, not HIPPA or HIPPO

- **Health Insurance Portability and Accountability Act of 1996.**
- **HIPAA and state law govern use and disclosure of medical records.**
- **HITECH will require significant changes in how an institution handles PHI.**

Two Basic Principles of Privacy and Confidentiality

- Health Information belongs to the patient.
- Patients have a right to know how their information is being used.

What Do Patients Do When They Don't Trust Us?

- Do not obtain treatment.
- Give incomplete or inaccurate information.
- Pay out of pocket to prevent an insurance claim.
- Move from one physician to another.
- Ask the doctor not to document their actual condition.



Protecting Health Information

- **Be discrete.**
 - **Where, what, when and with whom you discuss patient information.**
 - **Follow institutional policies regarding use and disclosure of health information.**
 - **Questions can be taken to the Privacy Officer.**

Health Information Technology for Economic and Clinical Health Act

- Part of American Recovery and Reinvestment Act of 2009.
- Major changes to breach notifications:
 - Promptly notify all affected individuals of a breach.
 - Notify HHS Secretary and the major media outlets when breach affects > 500 individuals.
 - Specific notification requirements – when telephone, mail or e-mail requirements are applicable; availability of a toll-free #, website.
 - Provide an annual report to the HHS Secretary of all breaches.
- Result in increased scrutiny of access.

Association for Healthcare Documentation Integrity

➤ AHDI:

- the world's largest professional society representing the clinical documentation sector.
- purpose is to set and uphold standards for education and practice in the field of health data capture and documentation that ensure the highest level of accuracy, privacy, and security for the U.S. healthcare system in order to protect public health, increase patient safety, and improve quality of care for healthcare consumers.
- responsible for expressing the values and ethics of the profession and for encouraging its members to function in accordance with these values and ethics, especially all individuals who hold the certified medical transcriptionist credential.

AHDI – Code of Ethics

Medical transcriptionists are vigilant advocates for quality patient documentation and adhere to the highest privacy and security provisions.

We uphold moral and legal rights of patients, safeguard patient privacy, and collaborate with care providers to ensure patient safety, public health, and quality of care to the fullest extent possible, through the practice of medical transcription.

AHDI – Code of Ethics

- **Maintain confidentiality of all patient information including but not limited to peer reviews, quality improvement, and risk management protocols with special effort to maintain data security in electronic communications.**
- **Implement and maintain standards of professional transcription practice.**
- **Respect the rights and dignity of all individuals.**
- **Continue professional growth enhancing knowledge and skills, including continuing education, networking with colleagues, professional reading, and certification.**

AHDI – Code of Ethics

- Strive to provide accurate and timely information.
- Exercise integrity in professional practices including work or professional experience, credentials, affiliations, productivity reporting, billing charges, and payment practices.
- Comply with all laws, regulations, and standards governing the practice of patient documentation.
- Foster environments of employment that facilitate integrity, professionalism, and protection of patient information.
- Strive to advance the goals and purposes of the Association and work for the advancement and good of the profession.