



## A Manager's Quick Reference Guide to PHI

### Privacy Rule Creates Change for You

The privacy provisions of the federal law, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), establish standards to protect the confidentiality of a person's protected health information (PHI). The privacy rule applies to everyone, not just human resource and benefits administration employees.



#### Our Privacy Pledge

Our privacy policy and practices will protect certain confidential health information known as "protected health information" (PHI). An employee's PHI will not be used or disclosed without a written authorization from the employee, except as permitted by federal and state health information privacy laws.

### What Is PHI?

PHI is any health information that can identify one of our employees (living or dead). This information:

- Must relate to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual or the past, present or future payment of a health care claim.
- Can be any form – written on paper, displayed or stored in a computer, or spoken in conversation.

The health plans covered by the PHI privacy rule are:

- Medical plans (including prescription drug plans and mental health plans)
- Dental Plans
- Vision Plan
- Health Care Reimbursement Account (HCRA FSA)
- Employee Assistance Program (EAP)

### What Do I Need to Do?

To comply with the privacy law, Pinellas County Schools has developed policies and procedures for all management and supervisory staff to follow. Our policy specifies that you *cannot* discuss healthcare claims or information with an employee without their permission.

#### When is it PHI?

It's PHI if the health information can be identified to a person. For example, it's PHI if the information shows:

- Date of birth
- Gender
- Medical records number
- Health plan beneficiary numbers
- Address, Zip code
- Phone number, e-mail address, fax number, IP address
- License numbers
- Full face photographic images
- Social Security number

#### As a rule of thumb

If a topic is not part of your regular job duties and is not directly related to the employment process, then it probably isn't appropriate for you to discuss health-related matters. For example, if an employee calls in sick, you should not contact the carrier to review how the illness would be covered by the medical plan.

This means that without permission:

- You *cannot* discuss whether a specific condition is covered under the health plan with an employee.
- You *cannot* use PHI other than as permitted under our policies and procedures.
- You *cannot* use an employee's PHI for "employment related" actions (for example, evaluations, promotion or hiring/firing).

Violating HIPAA laws can result in stiff penalties. The Department of Health and Human Services (HHS) has established both civil and criminal penalties for noncompliance to the privacy rule:

- Civil penalties – \$100 fine per violation up to \$25,000 per person/year.
- Criminal penalties – Up to \$250,000 fine and 10 years in prison.

However, the privacy rule does not restrict you from discussing health policies as they relate to managing your employees. For example, you *can* discuss requests and justification for sick leave or to answer questions regarding Workers' Compensation eligibility.

Also, Risk Management & Insurance must, upon request, provide employees or their designated representative with an accounting of how we have sent or used their PHI outside of using their information when disclosing PHI for treatment, payment or health plan operations. Risk Management & Insurance must also allow employees or their representatives to make corrections to the information, if requested.

**For Help on PHI, contact the Privacy Officer, April Paul, Director, Risk Management and Insurance**

This document provides an overview of the HIPAA Privacy Rule and broadly describes how this regulation will affect how Pinellas County Schools handles employee health information from our health care plans. This information is not intended to provide all of the details of the HIPAA Privacy Rule or of Pinellas County Schools' policies and procedures. This presentation also does not constitute legal advice. If there is any discrepancy between the provisions of the HIPAA Privacy Rule and the material in this presentation, the terms of the HIPAA Privacy Rule will govern in all cases.