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Current HIPAA Guidelines for Audiology

Amit Gosalia, AuD
Doctor of Audiology

Amit Gosalia, AuD

Amit Gosalia started his hearing career working for a hearing aid dispenser in Phoenix. After realizing there had to be some form of didactic education and theory behind the hearing system, he jumped into Audiology. He received his M.S. from Arizona State University, and a few years later, his AuD from AT Still University, where he subsequently taught the Amplification course at the residential AuD program.

His leadership in Audiology began when he joined a licensure committee and quickly learned the struggles of our profession. He became the chair of the Arizona political action committee for audiology, and then ran, and was elected President of the Arizona Speech-Language-Hearing Association in 2006. He served a 3-year term on the Board of Directors for the ABA in 2012-2015 and has served as Chair of the AAA Marketing sub-committee, Chair of the Public Awareness Committee, and was recently completed a term as President of the Audiology Practice Standards Organization.

He purchased his first practice, Audiology Clinic, Inc in Vancouver, WA in 2012, significantly grew the business, sold the business in 2017, and moved to Los Angeles, where Dr. Gosalia joined West Valley Hearing Center.

Dr. Gosalia is board certified by the American Board of Audiology and is a member of the American Academy of Audiology, the California Academy of Audiology and the Academy of Doctors of Audiology. He is the co-founder of the highly successful AudBoss Private Practice Summits, which sells out annually. He is passionate leader for audiology, philanthropic within and outside of audiology and is always looking to help audiologists and students achieve their goals.



Disclosures

- **Presenter Disclosure:** Financial: Amit Gosalia received an honorarium for presenting this course. Non-financial: Amit Gosalia is Co-founder of AudBoss Private Practice Summits, and an Advisor for Cognivue.
- **Content Disclosure:** This learning event does not focus exclusively on any specific product or service.
- **Sponsor Disclosure:** This course is presented by AudiologyOnline.

Learning Outcomes

- 1) After this course, participants will be able to identify at least 3 areas of improvement to be in compliance with HIPAA.
- 2) After this course, participants will be able to describe communication methods that are HIPAA compliant.
- 3) After this course, participants will be able to develop appropriate HIPAA forms for their clinics.

About me

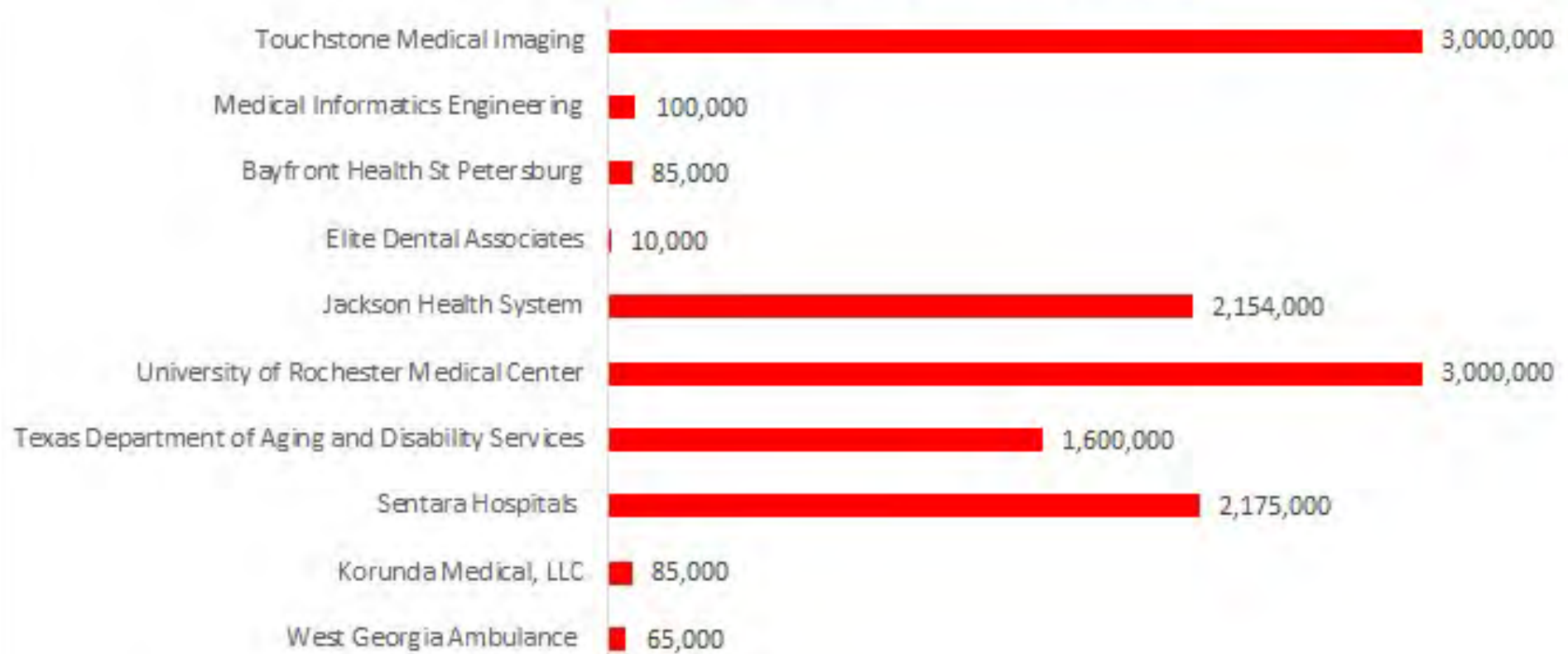
- History, Relevant Disclosures and Expertise
 - Past-President of the Audiology Practice Standards Organization (APSO)
 - Past Mentor for the California SAA Ambassador
 - Past Adjunct Professor at AT Still University
 - Consultant at drgosalia.com
 - Consultant with Decibels180
 - Co-Host of AudBoss Private Practice Summits
 - Host of Conversations with Dr.Gosalia YouTube series
 - Went through a voluntary HIPAA audit 2015...

\$28.7m in fines!



- October 16th, 2018 Anthem paid largest fine ever for data breach = \$16,000,000
- November 26, 2018 Allergy Associates of Hartford, P.C. settles for \$125,000 for releasing PHI to a reporter
- Total Fines in 2019 = \$12.274m

Penalties for HIPAA Violations in 2019



HIPAA Journal

<https://www.hipaajournal.com/hipaa-enforcement-in-2019/>

Definitions

- HIPAA
- HIPPA
- HIPPO
- HIPPIE...



HIPPIE?!



HIPAA

- Health Insurance Portability and Accountability Act (HIPAA)
- Created in 1996 and signed by President Bill Clinton
- Original purpose: to provide continuous health insurance coverage for workers who lose or change their job, and to reduce the administrative burdens and cost of healthcare by standardizing the electronic transmission of administrative and financial transactions

Definitions

- 2013 modifications to HIPAA in accordance with guidelines set in 2009 by the Health Information Technology for Economic and Clinical Health (HITECH) Act
- Business associates as covered entities
 - Business Associate Agreements (BAA)
 - Hearing aid manufacturers
 - Insurance companies
 - Buying groups

Definitions

- In 2010, the Federal Trade Commission extended the breach notification rule and its enforcement to healthcare organizations not covered by HIPAA, including vendors of electronic health records (EHRs) and EHR-related systems
- OCR undertook its first round of HIPAA audits of healthcare organizations in 2012 and 2013

OCR...



With Permission:
Dr. David DeKriek
Fidelity Hearing Center
Cerritos, CA

Office of Civil Rights

- OCR is the division of Health and Human Services (HHS) who polices HIPAA violations
- Provide training and materials

Why is following HIPAA Guidelines Important?

- Fines
- Law if you are a covered entity
 - Covered entities are defined in the HIPAA rules as
 - health plans
 - health care clearinghouses
 - health care providers who electronically transmit any health information in connection with transactions for which HHS has adopted standards
- Protected Health Information (PHI)

PHI

- What is PHI?
 - demographic data
 - medical histories
 - test results
 - insurance information
 - information used to identify a patient or provide healthcare services or healthcare coverage

PHI- Individually Identifiable Health Info

- Names (Full or last name and initial)
- All geographical identifiers smaller than a state, except for the initial three digits of a zip code if, according to the current publicly available data from the U.S. Bureau of the Census: the geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and the initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000
- Dates (other than year) directly related to an individual
- Phone Numbers
- Fax numbers
- Email addresses
- Social Security numbers
- Medical record numbers

PHI- Individually Identifiable Health Info

- Health insurance beneficiary numbers
- Account numbers
- Certificate/license numbers
- Vehicle identifiers (including serial numbers and license plate numbers)
- Device identifiers and serial numbers;
- Web Uniform Resource Locators (URLs)
- Internet Protocol (IP) address numbers
- Biometric identifiers, including finger, retinal and voice prints
- Full face photographic images and any comparable images
- Any other unique identifying number, characteristic, or code except the unique code assigned by the investigator to code the data

Question #1

- Anthony Davis(AD) refers his teammate LeBron James in for a hearing test because when AD yells at him to pass the ball, LeBron doesn't hear him and doesn't pass.
- One month later, you run into AD. He asks you if LeBron truly has a hearing loss.
- What would you do?
 - A. Get an autograph and spill the beans
 - B. Tell him that LeBron has normal hearing, he's just a ball-hog and he'll never win another championship
 - C. Disclose that due to privacy reasons you cannot disclose that information

What do we need to do?

- Protect PHI as much as possible
- Patient MUST sign a HIPAA Release or Compliance form
- A signed HIPAA release form must be obtained from a patient before their PHI can be shared with other individuals or organizations, except in the case of routine disclosures for treatment, payment or healthcare operations

HIPAA Release Form

- A description of the information that will be used/disclosed
- The purpose for which the information will be disclosed
- The name of the person or entity to whom the information will be disclosed
- An expiration date or expiration event when consent to use/disclose the information is withdrawn. For example, an expiration event may be when a research study is completed
- A signature and date that the authorization is signed by an individual or an individual's representative. If a representative is signing the form, the relationship with the patient must be detailed along with a description of the representative's authority to act on behalf of the patient.

Email

- HIPAA email rules require covered entities to implement access controls, audit controls, integrity controls, ID authentication, and transmission security
- HIPAA email rules require messages to be secured in transit if they contain ePHI and are sent outside a protected internal email network, beyond the firewall.

Texting

- Although HIPAA rules don't specifically forbid texting PHI, the same rules apply for protecting PHI
- Most texts are not HIPAA compliant. This is because they are not encrypted, cannot be recalled if sent to the wrong recipient, and can be intercepted on public Wi-Fi networks.

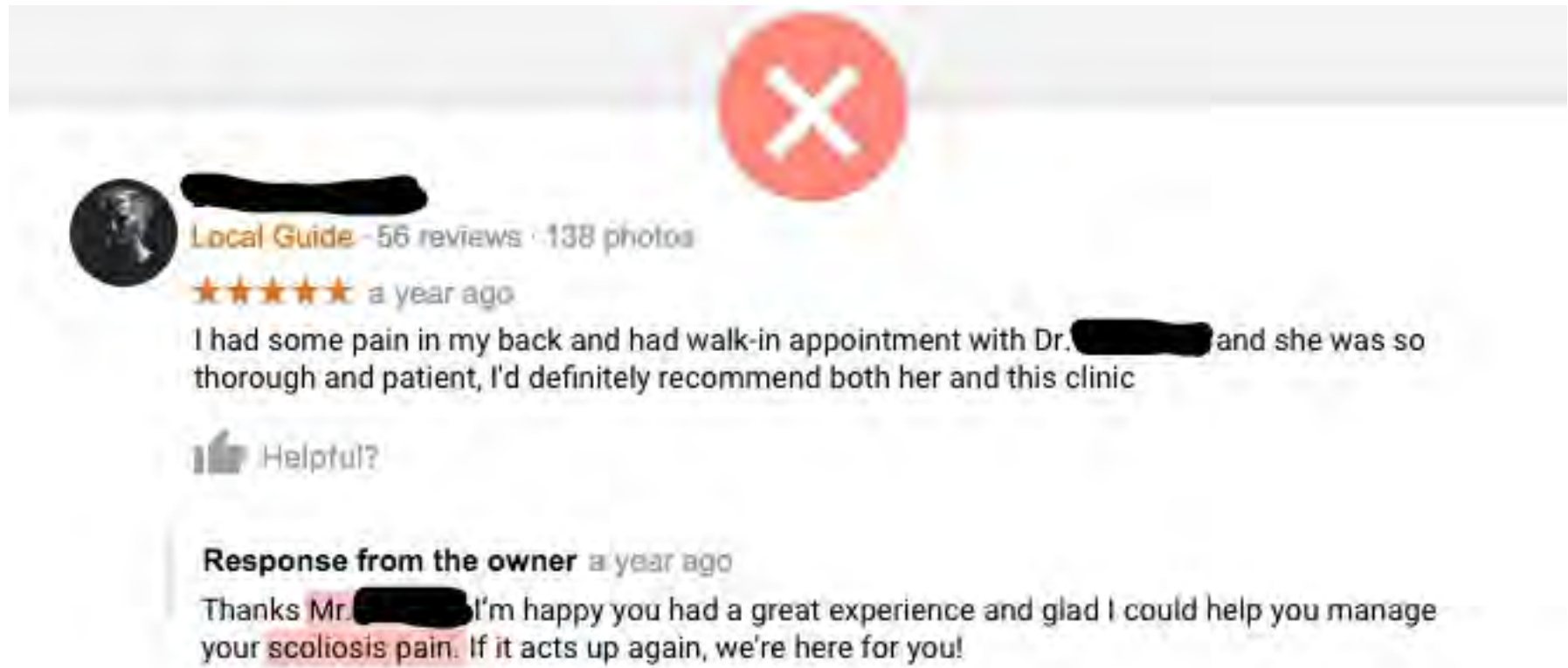
Social Media/Online Reviews

- Always respond!
- Don't acknowledge whether the reviewer has ever been a patient.
- Focus on general office policies.
- Use generic language whenever possible.

Social Media/Online Reviews



Social Media/Online Reviews



Social Media/Online Reviews

- Elite Dental Associates, Dallas (“Elite”) has agreed to pay \$10,000 the Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services and to adopt a corrective action plan to settle potential violations of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule
- Revealed a reviewer’s PHI on Yelp in their response

Social Media/Online Reviews



2 reviews · 1 photo

★★★★★ 4 months ago

Couldn't be happier with the experience I received at West Valley Hearing Center! Staff is friendly and helpful. And Dr. Gosalia is knowledgeable, professional and approachable. He was able to answer all my questions, even the ones I hadn't yet thought of! Walked me through the entire process and above all, helped me achieve fantastic results beyond my expectations. (And this happens very rarely with me.) Highly recommend!



Thank you for your kind words! We strive to provide the best care possible for all of our patients!

Social Media...Audiology Pages

- Remember, your primary duty is to protect your patients' privacy
- If you decide to share any information about your patients on social media, it is incumbent upon you to ensure you have a release signed by your patient and documented in their file
- Additionally, stating you have permission from your patient for a post, is NOT going to protect you in court

Summary & Q&A

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@DrGosalia