

New Health Privacy Regulations
How HIPAA Rules & Regulations Impact Pastoral Visitors
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Comprehensive privacy legislation, known as the ***Health Insurance Portability and Accountability Act*** or **HIPAA** governs the use and release of patient's personal health information, also known as **Protected Health Information (PHI)**. Congress passed HIPAA in 1996. It was finalized on December 28, 2000 and received its final modifications on April 14, 2002. It became effective on April 14, 2003.

The basic intent of HIPAA is very simple: to keep a firm grasp on the confidentiality rights and needs of patients, while not encumbering their treatment. This includes making certain that the patient understands all of their rights about care and the necessary release of information to provide that care while still protecting the patient's privacy.

The New Privacy Rule

The new privacy rule is a comprehensive federal regulation that gives patients protection regarding the privacy of their medical records. Issues of the patient's confidentiality have been a concern of the federal government for several years. In 1996, Congress recognized the need for national patient record privacy standards when they enacted the Health Insurance Portability and Accountability Act of 1996 (HIPAA). In November 1999, United States Department of Health and Human Services (HHS) published proposed regulations to guarantee patients new rights and protections against the misuse or disclosure of their health records.

Pastoral Visitor's Responsibilities

The issue for the pastoral visitor, under the new HIPAA regulations, is confidentiality of the patient's information and the patient's medical condition. In order to comply with HIPAA regulations, it is important to inform members of your congregation that they need to tell you about elective hospitalization, or indicate preference of your notification on their admission papers, which will require their signature.

LRGHealthcare will not provide patient information, to a pastoral visitor, without the necessary consent of the patient. *Only Pastoral Visitors with a proper LRGHealthcare ID badge will have access to the published names in the Pastoral Care Directory.*

Release of Patient Information to Pastoral Visitors

Under the new Federal Privacy Rule, Pastoral visitors can still have access to certain patient information. Pastoral Visitors can receive the following information, with patient authorization:

- Patient's name
- Location in the hospital
- General condition (one word description)
- Religious affiliation

However, if the patient indicated that they did not want to be part of the patient directory, or expressly said that they did not want visits from the clergy, then the patient's request must be honored.

Emergency Circumstances

If the opportunity to object to the uses or disclosures of an individual's protected health information cannot be provided because of the individual's incapacity or an emergency treatment circumstance, a LRGHealthcare provider may use or disclose some or all of the protected health information in the facility's directory, if such disclosure is:

- Consistent with a prior expressed preference of the individual, if any, that is known to the covered health care provider; and
- In the individual's best interest, as determined by the covered health care provider, in the exercise of professional judgment.

LRGHealthcare must inform the individual and provide an opportunity for the individual to object to the uses or disclosures for the Hospital Directory when it becomes practicable to do so.

Patient Condition Reports and Information

Patient condition information may be provided consistent with the limitations imposed by the HIPAA privacy standards. The American Hospital Association has suggested the following one-word descriptions and explanations of a patient's general condition.

- **Undetermined:** Patient awaiting physician assessment.
- **Good:** Vital signs are stable and within normal limits. Patient is conscious and comfortable. Indicators are excellent.
- **Fair:** Vital signs are stable and within normal limits. Patient is conscious but may be uncomfortable. Indicators are favorable.
- **Serious:** Vital signs may be unstable and not within normal limits. Patient is acutely ill. Indicators are questionable.
- **Critical:** Vital signs are unstable and not within normal limits. Patient may be unconscious. Indicators are unfavorable.
- **Treated and Released:** Received treatment but not admitted.
- **Treated and Transferred:** Received treatment. Transferred to a different facility.