

# STAFF ETHICS, CONFIDENTIALITY AND HIPAA

## **Confidentiality means:**

- **Your clients and your coworkers expect you to keep their personal information to yourself... and you expect the same from them.**
- **That you must remember to guard information about your clients as you go through your daily work. It is easy to break confidentiality if you're not careful.**

As a health care worker, you are trusted each day with confidential information about your clients. They feel safe telling your personal details about their lives and their health because they know you will keep it to yourself.

As a nursing assistant, you spend more time with your clients than anyone else on the health care team. This helps you develop a close relationship with your clients. They come to trust you with their personal information- believing that you will keep it to yourself.

Now, be honest. Have you ever discussed a client's private information with your family or laughed about a client with a group of coworkers? Most health care workers would probably answer "yes":

Even if it seems harmless, talking about your clients in a public place or to people who aren't involved in their care breaks the trust your clients have put in you. Health care workers who break confidentiality can lose their jobs and can even find themselves in a lawsuit!

There are a few common ways that health care workers break their clients' trust without really meaning to. See if you can spot the mistakes these nursing aides made:

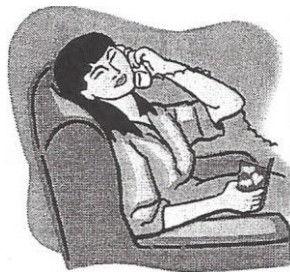


1. A client, Mrs. Jones, had been unconscious for several weeks. Two aides, Sally and Mary, were working together to bathe Mrs. Jones. During the bath, Sally told Mary that she heard the doctor say Mrs. Jones will die soon.

*(Please don't talk about your clients in their rooms, even if they are unconscious or asleep. You don't know what your clients might be able to hear.)*

2. During a lunch break with five other nursing assistants, Jim told a story about his client, Mr. Smith. Jim said Mr. Smith was very forgetful and kept trying to eat his dinner with a toothbrush instead of a fork. The whole group laughed at Jim's story.

*(Even if it seems like a harmless story, please don't talk about your clients to other employees-unless they are part of the client's health care team. And then, do it in private, not at lunch. Remember...• if Mr. Smith were your father, would you want a bunch of people laughing at him?)*



3. Susan's new client, Mrs. Brown, was a friend of Susan's neighbor. Susan told her neighbor that Mrs. Brown was pretty sick and would probably enjoy a visit.

*(Even if you mean well, please don't discuss your patients with anyone outside of work, even your arena» and family. They have no business knowing the names or condition of your clients)*



4. John had been caring for Mr. Carter for several weeks. Mr. Carter's daughter visited and asked John if her father's blood pressure was Okay. John told her that Mr. Carter's pressure had been high recently because Mr. Carter was eating too many salty potato chips.

*(If your clients or their families ask you about the client's condition, tell them to ask your supervisor or the doctor instead of answering yourself.)*

#### What's the bottom line?

Remember to THINK before you speak and RESPECT the privacy of your clients.

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### Confidential Information:

- is told in secret
- Involves private or secret matters

- **All** personal information about your clients is confidential whether it is about their health, their living situation, their family or their finances. Be sure to keep what you hear about your clients to yourself!



### Privacy:

- Surrounds personal affairs
- includes information that is not for public view

*Privacy is a basic right of all Americans. As a health care worker, you have a responsibility to respect the privacy of all your clients and your coworkers. And, you have the right to expect that your privacy will be respected.*

### Social Media:



Social media has become the wave of the 21<sup>st</sup> century online communication. Most if not all of communication for some people start and end through email, Facebook, Twitter, Snapchat, Instagram, Tango and other social media avenues available. The “old school” telephone and/or meeting “face-to-face” is almost non-existent.

Although, these communication avenues are great, it can be problematic when working directly with clients receiving home and community based services. It's important that each direct service worker understand, respect, and comply with client privacy. Taking and sharing photos of clients on cell phones, selfies that include the client, posting information about clients, emails, and blogging without documented approval is in violation of the client's privacy. Remember, taking individual photos of clients, selfies including a client, post or blog on any social media site on any social media site is prohibited without the written consent of the client and/or responsible representative.

### Medical Record:

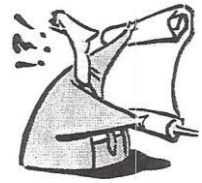
- A permanent written record of a client's medical treatment.
- A legal document containing confidential communication about the client.

*You may be asked to write in a client's medical record. Or you may fill out daily activity sheets for your clients that become part of the client's chart. Either way, this information is confidential!*



## Patient/Resident Bill of Rights:

- A listing of the rights and responsibilities of people who are admitted to healthcare organizations.
- Confidentiality is one of the basic rights listed on the Patient Bill of Rights.



*All health care organizations-including hospitals, nursing homes, home care agencies, hospices and assisted living facilities-have their own "bill of rights" for clients. Be sure you know the Bill of Rights for your workplace.*

**In** 1996, Congress passed a law ordering the U.S. Department of Health to give all Americans a special Medical ID Number. This number would be different for each person, just like a Social Security Number. The plan is to save each person's entire medical history in a computer. Then, health professionals would be able to find out all about their patients by putting the medical Number in the computer.

But, some people think it will cause problems with confidentiality. They feel that private medical information might be seen by people who have *no* business seeing it-like insurance billers. Some people worry that patients will stop telling their doctors everything because they won't want their whole private life on a computer.

Many doctors

think this is a good idea since it will make it

easier for them to learn about a new client.

Insurance companies think it's great, too,

because it will be easier to keep track of

patients.



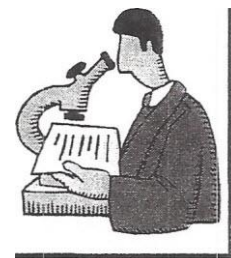
*What do you think?*



## **The Impact of Genetic Testing on Confidentiality**

Did you know that there are a number of diseases for which a genetic test can be done? For example: *Mary's mother died from breast cancer. Mary learned about a blood test that will tell her if she has the "breast cancer gene:" Mary really wanted to know if she is likely to get the disease, so she had the test. Unfortunately, the test showed that Mary does have the breast cancer gene. Her health insurance company found out and threatened to cancel her health insurance policy. Recently, Mary applied for a new job. The people there found out that she is likely to develop breast cancer and now they don't want to hire her.* There are many people who would like to have genetic testing but are afraid it will affect their lives like it did Mary's.

**Do you see how important it is to keep  
medical information confidential?**



Be aware of who is around you whenever you speak about a client. Remember that you are responsible for what you say, and that health care workers have been sued for saying the wrong thing at the wrong time!

- If you leave messages about your clients on an answering machine or a voice mail system, be careful what you say. You never know who might hear the message.
- All medical information is confidential, especially about a client with HIV. Every state has laws about how to handle HIV information. Be sure you know what the law is in your state. Ask your supervisor for more information.
- Think of your clients' medical information as something they own. You wouldn't take a client's clothes and pass them around to other people. So, don't pass around a client's private information either.
- Be careful if you use a cellular telephone during your workday. When you talk on a cell phone, your conversation might be picked up by strangers. Never give a client's full name or address over a cell telephone.
- Remember that each client's chart-- or medical record--belongs to your workplace. The medical record must be kept safe and secure at work. The *information* in the medical record belongs to each client. Please treat it as their personal private property.
- Do not share personal information about your coworkers with anyone. For example, if Mary covers for Betty one day, she should not tell the client that Betty had to stay home because she's pregnant again and has morning sickness! Don't break confidentiality about your coworkers.
- Always be careful with what you say. For example, Tom was late with his client's bath. He said, *"Sorry. I would have been here sooner, but Mr. Smith had diarrhea and I had to clean him up a/l over again."* Tom broke confidentiality by talking about Mr. Smith to another client!
- It is important for you to share confidential information with your supervisor if it involves a client's health or well-being. If a client tells you that he is having chest pain; you do not keep that information secret! Let your supervisor know right away.



## Maintaining Confidentiality in the 21st Century

***We live in the "Computer Age": Information is easy to come by-even when it's supposed to be confidential. Consider the ways that confidentiality has been broken by people using computers:***

- Bill was worried that he might be HIV positive, so he bought a home testing kit over the phone using his credit card. The credit card company sold information about Bill's purchasing patterns and now-because he bought the testing kit-he is on a list of HIV positive people (even though he tested negative on the HIV test).
  - **One solution: Purchase sensitive testing material with cash.**
- The March of Dimes decided to register all children born with birth defects so they would know how many kids were born with each kind of defect. The March of Dimes checked with hospitals and made lists of all babies born with birth defects. The problem? The children were put on the list without their parents' permission.
  - **One solution: Get permission before obtaining any medical information.**

- Susan had been divorced for several years when she realized that alcohol had become a problem for her. She got treatment for her alcohol addiction and got a great new job. Then, her ex-husband, David, sued her for custody of their son. Before the court date, David managed to "break" into Susan's computer and read emails that Susan had written to her family about her alcohol treatment. He used this information against her in court and the judge gave him full custody of their son.
- **One solution: Don't write anything in an email that you wouldn't want the whole world to know!**

**Which of the following do you think "qualifies" as confidential documentation?**

- A client's medical record
- Your client care notes
- A bulletin board listing each client and his or her diagnosis
- The results of a coworker's TB test
- Your annual job evaluation
- A client's address and telephone number
- A copy of a doctor's order