



**Annual Contractor and Vendor Representatives Compliance Education – 2020**

<b>#1 Privacy Reminders</b>	<b>#2 AH Compliance Program</b>	<b>#3 Code of Conduct</b>
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**#1 Privacy Reminders**



**HIPAA: The Health Insurance Portability and Accountability Act (HIPAA) is a federal law that requires Adventist Health contractors and vendor representatives to:**

1. **Protect the privacy** of patient information
2. **Secure patient health information** in physical and electronic form
3. **Adhere to the “minimum necessary”** standard for use and disclosure (i.e., sharing) of patient health information

**HITECH: The Health Information Technology for Economic and Clinical Health Act**

- ✚ **HITECH Requires Adventist Health to report breaches of patient privacy to the Secretary of the Department of Health and Human Services.**

**Additional State Laws**

- ✚ **Many states have additional laws** establishing obligations and penalties relating to the security and privacy of patient information.
- ✚ **For example, California law requires** licensed healthcare facilities to report breaches to the California Department of Public Health (CDPH) and to the affected patient(s) within **15 business days** of discovery.



## Adventist Health Policies

**Adventist Health privacy policies** apply to **ALL** written, verbal, and electronic information.

**Patient privacy and confidentiality are important to Adventist Health because:**

1. **Patient confidentiality is** essential to the development of trust between providers and patients.
2. **Patients have a legal right** to control who sees, accesses or hears their protected health information (PHI).
3. **Patients must be able to expect** that information about their health is kept private, unless there is a compelling reason that it should not be (i.e., for treatment, payment or healthcare operations).
4. **Without patient privacy**, patients would be hesitant to reveal sensitive information about themselves.
5. **Contractors, Vendor Representatives, Providers, Volunteers and other Adventist Health workforce members** can be held personally liable for violating patient privacy laws. This includes fines and penalties (e.g., jail time).

✚ This means that communications with or about patients need to be kept private and **limited to those people who need to know the information for treatment, payment, or healthcare operations purposes**

## How the Laws Apply to You

1. **Patient information** that you **see, hear, or read** during the course of performing your duties, **cannot** be shared with anyone unless the sharing of information is necessary to fulfill a job-related purpose and the recipient has a job-related need to know.  
✚ This includes your co-workers, other patients, visitors, your family and friends, or anyone else who may ask you about information.
2. **Protecting patient information** is a responsibility that the entire workforce shares, including contractors and vendor representatives, regardless of whether you are directly involved in the care of patients.

## Use of Social Media

1. **Do not share** any patient information on social media that is acquired through your work at Adventist Health, even if the information is public.
2. **Posting patient information without** appropriate authorization from the patient is a violation of a patient's **right to privacy and confidentiality**.
3. Even if you do not include the name or other identifying information in your communication, it still may **be identifiable to others**.



## **What is PHI?**

### **Protected Health Information (PHI) includes:**

- Names
- Dates relating to a patient:
  - birthdates
  - dates of medical treatment
  - admission and discharge dates
  - dates of death
- Other:
  - telephone numbers:
  - addresses (including city, county, or zip code) fax numbers and other contact information
  - Social Security numbers
  - Medical records numbers
  - Photographs
  - Finger and voice prints
  - Any other unique identifying number
  - Bills
  - Claims
  - Prescriptions
  - Data
  - Lab results
  - Medical opinions
  - Appointment histories

## **Ways to Protect PHI**

1. **Be aware** of your surroundings.
2. **Keep information** confidential.
3. **Do not share patient information** with unauthorized individuals, even if the information is de-identified.
4. **Do not view information** out of curiosity or concern.
5. **Do not post patient information** of any kind on social media.



6. **Lock computer screens** when left unattended.
7. **Verify patient identifiers prior** to mailing patient information to ensure that it gets to the right person at the right place.
8. **Do not leave patient information** on answering machines.
9. **Dispose of PHI** only in appropriate shred bins, not regular trash cans.

### **Access to Personal PHI, Adventist Health Policy No. 12018**

1. The privilege of access and user credentials (i.e., usernames and passwords) are provided to contractors and Adventist Health workforce members **for business-related purposes only**. Business purposes include, but are not limited to, the treatment of Adventist Health patients.
2. Contractors and Adventist Health workforce members may be patients within the facility for which they work or do business. These individuals as patients have the **same rights to PHI as the general patient population** and, therefore, care must be taken to ensure that these individuals are not provided greater rights to information than patients are entitled to.
3. To access personal information or PHI, such as medical records or test results, **you may contact the ordering provider, sign up for the My Adventist Health patient portal or obtain information from Health Information Management or Medical Imaging.**



### **Sanctions for Violating Privacy Rules**

1. **Adventist Health has a workforce sanction policy** for members of our workforce who violate patient privacy and privacy/security policies.
2. Potential **civil and criminal penalties** for violating HIPAA privacy or security rules, may include large fines and up to 10 years in prison.
3. **These penalties** can be levied against you, as well as Adventist Health.

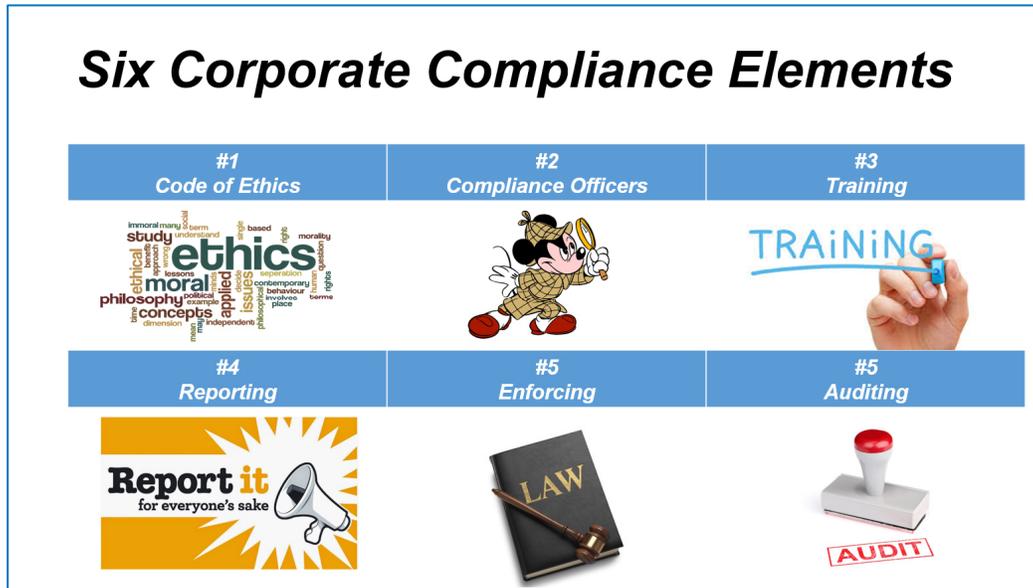
### **Patient Privacy**

- ✚ **We must all work to** honor and protect the privacy of our patients and to protect the confidentiality and integrity of our patient's protected health information.
- ✚ **It is professional practice** – pure and simple – but it is also federal and state law.

## #2 Adventist Health Corporate Compliance



### Six Elements of the Corporate Compliance Program



**#1 Code of Conduct**<sup>1</sup> – explains Adventist Health’s expectations of ethical behavior for workforce members

**#2 Compliance Officers**<sup>1</sup> – specifies that the Corporate Compliance Program is overseen and managed by the Corporate Compliance Officer and the Local Compliance Officers at each facility

**#3 Training** – provides ongoing training on compliance topics

**#4 Reporting**<sup>1</sup> – provides ways to report compliance issues or concerns

**#5 Enforcing** – investigates and corrects compliance issues

**#6 Auditing** - tests business activities to ensure the program is operating properly

<sup>1</sup> The Code of Conduct, Compliance Officer List, Privacy Official list, and compliance reporting forms are available at: <https://www.adventisthealth.org/patient-resources/compliance-information/>

### **Ten Greatest Compliance Risk Areas for AH:**

1. **Patient Confidentiality**
2. **Physician Contracts**
3. **Home Care**
4. **Lab**
5. **Health Information Management (HIM)**
6. **Patient Financial Services (PFS)**
7. **Hospital-Based Outpatient Clinics**
8. **Adventist Health Physician Network (AHPN)**
9. **Rural Health Clinics**
10. **Patient Identity Protection**



### **#3 Code of Conduct**



#### **AH Code of Conduct**

We have a code of ethics<sup>2</sup> and expect all dealings with AH to be performed with the highest level of honesty and integrity.

#### **Federal and State False Claims Acts**

**Federal and State False Claims Acts prohibit any person or entity** from submitting a false record or statement or approval.

#### **Penalties for violating Federal or State False Claims Acts include:**

1. **Civil Monetary Penalties** of up to \$10,000 for each false claim submitted
2. **Three times the amount of damages** that the government sustains because of the false claim.
3. **The costs of the legal action** brought to recover for the false claim.

**A private citizen may file suit** under the Federal and State False Claims Acts on behalf of the government if the citizen has direct and independent knowledge of the submission of a false claim.

The government will decide whether to:

1. Intervene (take over the case), dismiss, or settle the case, OR
2. Let the private individual pursue the case on his or her own.

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<sup>2</sup> The Code of Conduct is available at: <https://www.adventisthealth.org/patient-resources/compliance-information/>

*In either case, the person who initially filed the case may receive a portion of the amount recovered in either litigation or settlement of the claim.*

*Your Corporate or Local Compliance Officer can provide more information regarding the Federal and State False Claims Acts.*



### **Whistleblower Protections**

*Both the Federal and State False Claims Acts prohibit employers from retaliating or discriminating against a person who, acting in good faith, investigates, reports, or assists in uncovering a false claim or statement.*

**A person who suffers discrimination or retaliation** based on protected activities has the right to sue under both the Federal and State False Claims Acts. If the individual can prove that their employer retaliated against them for engaging in protected activity, the individual is entitled to be “made whole.”

#### **The remedies may include the following:**

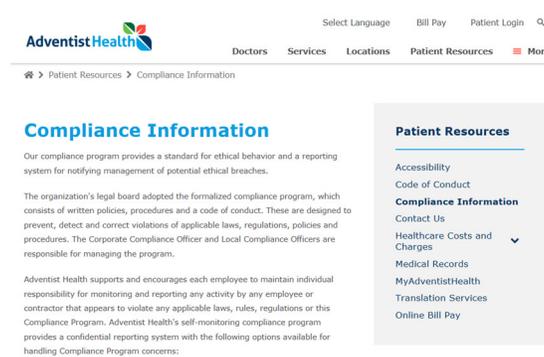
1. **Reinstatement** of the employee, contractor, or agent to their position
2. **Two times** the amount of back pay
3. **Interest** on the back pay
4. **Compensation** for any special damages (including litigation costs and reasonable attorneys’ fees)

*As noted above, it is the policy of Adventist Health and its affiliates that no one shall be punished solely on the basis that they reported what they reasonably believed to be an act of wrongdoing or a violation of the Adventist Health Corporate Compliance Program.*

### **Reporting Violations**

**You are encouraged to report violations or suspected violations to your supervisor, the Compliance Executive, Local Compliance Official, or Facility Privacy Official.**

- **Violations may be reported to the Adventist Health Corporate Compliance Hotline at 888.366.3833.**
- You may report **anonymously** (using AH Corporate Hotline #)
- **Report using the AH Compliance Link:**  
<https://www.adventisthealth.org/patient-resources/compliance-information/>



**Attestation:**

*I acknowledge that I have received and read the Annual Contractor and Vendor Representative Compliance Education.*

\_\_\_\_\_  
**Sign Name**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Print Name**