



DEPARTMENT OF
SPEECH & HEARING
SCIENCES

Health Insurance Portability and Accountability Act

The security and privacy of clinical records is protected by professional ethics (American Speech-Language-Hearing Association) and federal legislation (Health Insurance Portability and Accountability Act). The Speech and Hearing Center is bound by ethics and law to adhere to HIPAA Policies and Practices. All members/workforce of the UNM Speech and Hearing Sciences Department must comply with HIPAA Policies and Practices.

Students enrolled in clinical practicum/courses are part of the Speech and Hearing Sciences Department workforce.

The obligation to protect the confidentiality and security of clinical records begins with enrollment in clinical courses and is on-going (i.e., does not end with completion of clinical coursework or graduation).

Clinical practicum students complete HIPAA training prior to engaging in delivery of clinical services. Documentation of HIPAA training is entered into Calipso and the printed certificate of completion is placed in the student's Speech and Hearing Sciences file.

HIPAA policies and practices apply to all paper and electronic clinical records, including photographs, video and audio recordings, and verbal, electronic, and telephone conversations.

Important points:

- The permanent client file or its contents can never be taken from the Speech and Hearing Center. This policy applies to paper and electronic records or copies of records.
- The working files can be taken from the SHS Department. The clinician should access the information in the file only in a secure and private setting. The clinician must understand and accept that the working file and its contents are the responsibility of the clinician. Unauthorized or inappropriate disclosure of the information contained in the files is a violation of HIPAA Policies and Practices. The clinician is responsible for protecting that information and will be accountable if a breach occurs. Sanctions are enforced for all breaches of privacy and security, even

if the violation was unintentional or out of the control of the clinician. Precautions for protecting the records include but are not limited to:

- Never leave a working file unattended in your car.
- Never leave a working file unattended in your home. If you are not working on the file, store it in a secure and private location.
- Never access the content of the file around other people, such as roommates, or in a public venue, such as a restaurant.
- Violations of HIPAA Policies and Practices will be reported to the Speech and Hearing Sciences Privacy and Security Officer, Clinic Director, and Department Chair.
- The purpose of the meeting and outcome will be documented. A copy will be placed in the student's departmental file.

HIPAA Sanctions

Each violation reported, using the *information security reporting form*, will present unique circumstances. Sanctions will be determined on a case-by-case basis. General guidelines will be applied when determining sanctions. The severity of the offense is determined by considering intent and potential harm to the client and/or Speech and Hearing Sciences Department.

- ***Serious*** offense involves poor judgment on the part of the clinician; however, no harm was done to the client or the Speech and Hearing Sciences Department. No serious legal implications are anticipated as a result of the act. There was a breach of policies and practices, but protected information was not disclosed to an outside/inappropriate source. Examples include:
 - Client file is taken from the Speech and Hearing Sciences Department.
 - Working files are left in the student's car.
- ***Critical*** offense involves not only poor judgment on the part of the clinician but harm or potential harm could occur to the client or the Speech and Hearing Sciences Department. Confidential information is disclosed as a result of this action. Legal vulnerability is a concern. Examples include:
 - A working file is left in a restaurant.
 - A working file is stolen from the student's car.
- ***Fatal*** offense occurs when the violation was committed for personal profit or with malicious intent causing harm to both the client and Speech and Hearing Sciences Department. Legal implications are serious. Examples include:
 - Disclosing information about a client to someone without-a-need to know for the purpose of gossip.

- Disclosing information about a client to someone without a need-to-know causing damage to the client's reputation, embarrassment, or personal anxiety.
- Disclosing information about a client to an attorney, media, estranged spouse, etc.
- Disclosing information for personal profit; selling information.
- Disclosure of information damages the reputation of the Speech and Hearing Sciences Department or results in legal vulnerability.

Typical sanctions would include:

- Both a first offense and a serious offense typically require disciplinary sanctions but do not threaten the student's opportunity to complete the program in the expected number of semesters. HIPAA re-training, loss of clock hour credit, and a letter of reprimand are examples of possible sanctions.
- A second serious offense warrants a grade of "F" or "fail" in the clinical course. This sanction also applies to a critical offense. The student will remain in-house one extra semester for clinic rather than be placed at an off-campus site. The student will have to extend the completion date of the graduate program by one semester.
- A fatal offense, third serious offense, or second critical offense warrants dismissal from the Speech and Hearing Sciences Department for a graduate student.