GENERAL UNDERSTANDING
Each health care entity will have its own set of policies with regard to HIPAA and will have varying interpretations of HIPAA itself. Therefore, it is critical that chapters work with their health care entity liaison, including, where applicable, a privacy officer, to ensure that policies are being adhered.

HIPAA – PRIVACY STANDARDS
Congress passed the Health Insurance Portability and Accountability Act (HIPAA) in 1996. As part of the Act, Congress called for regulations promoting administrative simplification of healthcare transactions as well as regulations ensuring the privacy and security of patient information (Department of Health and Human Services). The regulations apply to what are called "covered entities:"

- Healthcare providers
- Health plans
- Healthcare clearinghouses

Any transmittal of health information in electronic form in connection with a transaction is covered under HIPAA. The regulations are made up of three distinct parts:

- Transaction standards
- Privacy
- Security

Mended Hearts is primarily affected by the Privacy regulations.

Privacy Regulations: The privacy rules govern the release of individually identifiable health information, specifying how health providers must conduct the following:

- Provide notice of privacy policies and procedures to patients
- Obtain consent authorization for use of information
- Tell how information is generally shared
- Inform patients about how to access, inspect, copy and amend their medical records

The privacy rules became effective in April 2001 and carry a compliance deadline of April 14, 2003.
STEPS CHAPTERS CAN IMPLEMENT
Be active in understanding your health care entity’s policy regarding HIPAA - Privacy Standards.

- Ask to meet with the health care entity privacy officer or liaison to discuss the healthcare entity’s HIPAA policy as it relates to Mended Hearts.
- Become familiar with the health care entity’s policy and follow their rules.
- Let them know that the data being maintained are minimal and do not conflict with the Privacy Standards. (Please review National’s Data Requirement of the Visiting Program below.)
- **If applicable, require Mended Hearts volunteers to join the health care entity volunteer organization. National views this as an essential step to maintaining a successful relationship with the health care entity.**

NATIONAL’S DATA REQUIREMENT
National’s needs are minimal. The information collected is for tracking and rewarding chapter leadership. This information also helps us communicate to the general community about our services/mission.

The data that are maintained are as follows:

**Total Visits to Patients**
- a. In person
- b. 1-800 phone visiting
- c. Total number of visits

**Total Patients Visited**
- a. In person
- b. 1-800 phone visiting
- c. Total number of visits

**Family Visits**
- a. Number of visits to family members
- b. Number of visits to family members via 800-phone line

**Internet Visiting**
- a. Number of visits to patients
- b. Number of visits to family
- c. Total number of Internet Visits
- d. Number of Internet Patients Visited
CONSENT FORM
A few health care entities are requiring Mended Hearts visiting programs to provide them with a consent form that can be presented to the patient. This ensures that Mended Hearts visits are conducted on a consensual basis. The Privacy Regulations established a federal requirement that most doctors, hospitals, or other health care providers obtain a patient’s written consent before using or disclosing the patient’s personal health information to carry out treatment, payment, or health care operations.

A consent form is available for your use and is included at the end of this packet.

However, we do not recommend implementing the consent form method unless it is mandated by the health care entities. Visiting programs that are operating under the hospital mandated consent form method have observed a significant decrease in patients visited, less new visitors attending the support meetings and in general, fewer new Mended Hearts members. As a result, some chapters have disbanded.

HIPAA PRIVACY TRAINING FOR VISITORS
• The National office will incorporate training on the HIPAA - Privacy Standards as part of its overall visiting training program.
• All currently accredited visitors must participate in the HIPAA privacy-training portion.
• If applicable, a representative from the health care entity to talk about HIPAA and its importance in their system.
• Chapters will require that visitors sign Mended Hearts confidentiality form.
• We recommend that each visiting program develop a "check" system to ensure that visitors are adhering to the HIPAA - Privacy standard and take appropriate measures against volunteers who fail to comply.

RESPONSE TO PRIVACY INFRACTIONS
Please understand that the health care entity has the right to relinquish a volunteer from the visiting program for any violation of the privacy standards as determined by their system. The health care entity could even choose to close the entire visiting program if infractions occur.

The patients have confidentiality rights. Violation of their identity and personal health information could result in a lawsuit.
FREQUENTLY ASKED QUESTIONS/COMMON SITUATIONS

Hospital

Question: We have a visiting program by a Mended Hearts chapter that is not in compliance with our HIPAA - Privacy Standards. We discovered this when our Privacy Officer reviewed the visiting practices. How do we maintain the visiting program?

To maintain the visiting program, the visitors have three options:

1. Mended Hearts visitors can become volunteers of the hospital. As volunteers of the hospital system, many hospitals have viewed the visitors as part of the health care entity and/or the care coordination process. Therefore, a consent form is not required and the volunteer visitors are privy to limited patient information.

2. Contact the Field Services Director at the Mended Hearts National Office to discuss additional measures that can be implemented to maintain the chapter’s visiting program. An example is the recent recommendation offered by the Office of Civil Rights, which is a government entity charged with guiding healthcare entities on HIPAA. The Office of Civil Rights suggests that providers, such as Mended Hearts, sign an agreement with the hospital allowing the hospital the right to provide patient information to Mended Hearts visitors. The agreement is called a Business Associate Contract.

3. The visitors can offer the consent form to the hospitals so that it may be offered to patients (at admission or discharge). For reasons noted earlier, we do not recommend implementing the consent form method unless it is mandated by the health care entities.

Chapters

Question 1: We have a wing dedicated to heart patients. Do we need to collect a patient’s name and room number?

No, the National office has no need for you to collect this data. However, for visitors in healthcare entities that do not have that accommodation, you will need to work with your healthcare liaison on how to be directed to patients who would desire a peer visit.

National does not need data that are noted in this guideline.

Question 2: We send newsletters and conduct phone follow up visits. How are we supposed to obtain patient information?

The Mended Hearts, Inc.
Guidelines Regarding HIPAA – Privacy Standards
December 2, 2002
If your healthcare entity provides you with patients’ personal information, you still need to ask the patients if they would like to receive a newsletter or phone follow-up visits. If the healthcare entity offers you more information than name, address and phone number, those records should be shredded on a regular basis.

If the healthcare entity does not provide you with patients’ personal information, during your visit with the patients and/or family members, you can ask for verbal consent. If the person provides this information to you, you have to be very clear as to how you will use that information. An example, “We will mail you our newsletter for three months and then your personal information will be destroyed.”

Whether or not the healthcare entity offers you the patients’ personal information, National recommends that you maintain minimal information such as name, address and phone number for a limited time period (average of 3 months). No health conditions should be written down.

**Question 3:** Our visiting program has been discontinued at the hospital. As a result, our chapter is not gaining new members and current members are losing interest due to their inability to visit heart patients. What can we do to attract new members? And, is there any way we can offer a visiting program?

Network with cardiologists or hospitals to set up displays consisting of brochures, posters and *HEARTBEAT* magazines about Mended Hearts services. One chapter convinced their hospital to display PATH Paks as an FYI to heart patients at their hospital. The National Office has designed posters that can be used to increase public awareness and establish community interest at your local level.

If there is a cardiac rehabilitation center in your area, consider approaching them to offer a visiting program and support group meetings. While the visits at the cardiac rehabilitation center will differ from the visits at the hospitals, many patients are now able to focus on the recovery process and obtain much needed support.

Another option is to develop a satellite at a different hospital. Mended Hearts can then work with that hospital to offer a visiting program.

**Question 4:** My hospital liaison told me that Mended Hearts visitors are a part of the patient care process and as a result, we have access to patient information and do not need National’s consent form. Is this true?
Each hospital will view and implement HIPAA Privacy Standards differently. If your hospital is allowing you to access patient information, you need to follow their policies. *National recommends that you do not maintain records of patients’ names and health conditions.* Any records that you are given with the patients’ name and health conditions should be shredded on an average of 3 months.

It is still beneficial to educate the visitors about HIPAA Privacy Standards and to implement a “check” system to ensure adherence to the policies.

*Question 5:* *As a visitor, I can’t make an intelligent visit without knowing the patient’s health conditions. How am I to visit?*

With HIPAA, hospitals/health care entities may not release the patients’ health information.

However, a successful visit does not require knowledge of the patients’ health conditions. The basic premise of a visit includes the visitor telling the patients and/or family members the following:

1. Who you are and that you are with Mended Hearts.
2. Why you are there.
3. Inform them you are a recovering heart patient.
4. Then, it is time for you to listen to the patients and/or family members.

Depending on the comfort level of the patients or family members, they may share their concerns with you.