Mindy, a nursing assistant, cares for Lotti, a 79 year old woman who suffers from severe arthritis.

While providing care for Lotti one day, the supervising nurse stops by to do a routine assessment. Just before she leaves, Mindy asks the nurse for some information about another client named Phil who she is going to see next. The nurse and Mindy step into the hallway. They assume no one can hear their conversation as they discuss Phil’s condition.

When the nurse and the Aide leave, Lotti calls the Pastor at the church that both she and Phil attend. She tells the Pastor that Phil is near death and that he should come for a visit right away. She doesn’t tell the Pastor how she got this critical piece of information.

When the Pastor arrives, he offers his condolences to Phil’s wife . . . who immediately becomes alarmed and confused.

It turns out that Phil is not near death. In fact his condition is improving. Lotti heard enough of the conversation to identify the client, but got the details all wrong.

The source of information was traced back to the conversation between Mindy and the Nurse. Mindy and the nurse were written up and later fined $250 each for HIPAA violations.

While Mindy and the nurse did not know Lotti could hear them, the hallway is never a secure place to exchange confidential information about clients. They could have avoided the situation entirely by having the conversation in a private room, behind a closed door.

Keep reading to learn everything you need to know about maintaining your clients’ confidentiality. You’ll learn what to do and what not to do. And, you’ll learn all about the laws and consequences that are in place to protect clients.
WHAT EXACTLY IS CONFIDENTIALITY?

As a health care worker, you are trusted each day with confidential information about your clients.

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. Your clients feel safe telling you personal details about their lives and their health because they know 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.”

Unfortunately, it is easy to break confidentiality if you’re not careful. So what exactly is confidentiality? **Confidentiality means that:**

- Your clients and your coworkers expect you to keep their personal information to yourself—and you expect the same from them.
- You guard information about your clients ALL THE TIME, even in the privacy of your own home.
- When you keep personal information safe, your clients come to trust you. This trust is an important part of your relationship with your clients.
- Health care organizations must promise clients that their medical information will be kept safe. This promise is included in the Patient’s Bill of Rights in all health care facilities. Be sure you understand the Patient’s Bill of Rights where you work.

CONFIDENTIALITY VS. PRIVACY

It is easy to confuse confidentiality and privacy. They are very similar, but confidentiality usually applies to medical records and ensuring that information is available only to those who are allowed to see it. For example:

- Maintaining your clients’ **confidentiality** involves keeping their medical records away from anyone who does not have the right to see them and never discussing their diagnosis with someone who is not a part of their health care team.
- Maintaining your clients’ **privacy** has to do with things like not touching their personal possessions, not listening to their private conversations with others, and not entering their rooms or personal space without their permission.

**Key Terms**

- **Breach of confidentiality** is sharing verbal or written information regarding a client with someone who is not on the care team of the client—or who does not have signed permission from the client to have that information.
- **Informed consent** is when a resident or client acknowledges and allows the release of information to other parties. This permission is given by filling out a legal consent form, which becomes part of the resident or client’s permanent record.
- **CONFIDENTIALITY VS. PRIVACY**

Grab your favorite highlighter! As you read this inservice, **highlight five things** you learn that you didn’t know before. Share this new information with your co-workers!
HOW CONFIDENTIALITY IS BROKEN

There are a few common ways that health care workers breach confidentiality. See if you can spot the mistakes these nursing aides made:

1. TALKING IN FRONT OF A CLIENT

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 overheard the doctor saying Mrs. Jones will die soon.

Never 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. TALKING TO CO-WORKERS

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, avoid discussing your clients with other employees—unless they are part of the client’s health care team. And then, do it in private, not at lunch. If Mr. Smith were your father, would you want a bunch of people laughing at him?

3. TALKING TO OTHER CLIENTS

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, never discuss your clients with anyone outside of work, even your friends and family. They have no business knowing the names or condition of your clients.

4. TALKING TO FAMILY MEMBERS

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 a client’s family members ask you about the client’s condition, it’s best to suggest they get information from your supervisor or the doctor. The rule states that you can give information to a person who has a role in taking care of the patient if you believe that releasing the information is in the patient’s best interest. However, it’s not always easy to determine that on your own.

THEY DID WHAT?

TRUE STORIES OF BREAKS IN CONFIDENTIALITY

- A hospital in Michigan accidentally posted the medical records of thousands of patients on the internet.
- Four hospital workers (including two nurses) in California took pictures of a dying man and posted them on Facebook.
- A children’s hospital in California accidentally sent 6 faxes containing private health information to an auto mechanic’s shop.
- The health insurance claims forms of thousands of patients blew out of a truck on its way to a recycling center in Connecticut.
- A patient in a Boston-area hospital discovered that her medical record had been read by more than 200 of the hospital’s employees.
MORE WAYS CONFIDENTIALITY CAN BE BROKEN

5. UNSECURED ELECTRONIC MEDICAL RECORDS (EMR)
Jane works in a facility that uses computer charting. While charting at a mobile laptop station one day, Jane leaves to answer a call bell without closing the client's record and logging out of the system.

Always close the record and log off when you leave a computer or anyone can walk up and read private information about your clients.

6. MEDICAL RECORD LEFT IN PUBLIC PLACE
Sasha works in home health. Before visiting a new client, she receives a report with all the client's information, including name, age, medical condition and care plan. Sasha makes a stop at a convenience store before going to the client's home and leaves the report in plain view on her passenger side seat.

Never leave charts or papers out in the open where others can see. In facilities, never leave the nurses station with a chart in your hand.

7. SHIFT REPORT SUMMARY THROWN IN PUBLIC TRASH CAN
Robert works in a facility where he receives a shift report summary before each shift. The summary lists the last names of the clients, their room and bed number and any special care needs they have for the day. The policy at the facility is to shred the report at the end of the shift. One day, Robert forgets to shred it and just tosses it in a trash can in a public restroom on his way out of the facility.

It is never appropriate to dispose of private healthcare information in a public trash can.

8. MEDICAL RECORD "SNOOPING"
A local celebrity was admitted to a nursing home for rehabilitation after a stroke. After about two days in the facility, it was discovered that his electronic medical record had been accessed over 300 times. Since employees had to log in with a password, there was a record of every single person that looked at the chart. Those individuals who "snooped" were written up. The celebrity sued the facility and each individual involved.

Information in the medical record is intended for healthcare workers who "need to know" only. If you are not caring for an individual, you have no business reading the chart.