



## THINK ABOUT IT!

### WHAT YOU DON'T KNOW

***Do you think you should be told if a client is HIV positive?***

- Do you believe you have the **right** to know this bit of private information—especially since you might be providing personal care to this person?

**Well, the answer is NO!**

You don't have the right to know if a particular client is HIV positive.

As health care workers, we protect ourselves from contagious diseases like AIDS by using Standard Precautions with EVERY client.

By treating all your clients as if they might have an infectious disease, you can protect yourself without knowing a particular client's HIV status.

## HOW DO YOU DO IT?

### CONFIDENTIAL DOCUMENTATION



***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.

What's the right answer? **THEY ALL ARE!** Any personal information about you, your clients or your coworkers should be kept confidential. This means keeping medical records and personnel files in locked cabinets, locked rooms or in supervised areas.

### CONFIDENTIALLY SPEAKING

***Remember to be careful when you are talking about your clients. Before speaking, ask yourself:***

- Is what I have to say confidential information?
- Is the person I am speaking to part of the client's health care team?
- Am I in a private place or are there other people around me who shouldn't hear what I am saying?
- Am I sharing this information for the client's benefit? Or is it just “gossip”?

***What would you do if the following people asked you for information about your client?***

- Friends
- Partners
- Family Members

The answer is the same for all — politely ask them to speak to your supervisor. Just being a family member, partner or friend does not give someone the right to have information about your client.



## CONFIDENTIALITY IN SMALL TOWNS

### *Maintaining confidentiality in a small community presents it's own unique set of problems.*

People who live in small communities are generally acquainted with everyone else in the area. When people are acquainted in this way, leaks in confidentiality can have serious consequences. For example:

- The local pastor at the church cannot afford to have his church members find out that he is suffering from a damaged liver after years of secret alcoholism.
- The second grade school teacher does not want her current or former students to know she has cancer.
- The man who owns the coffee shop would like to keep his family history of mental illness to himself.

It's important to be even more protective of your clients' confidential health information when you work in a small community.

If you grew up in a small community, you probably already know many of your clients and their families before they even need care. This can lead to a situation where boundaries can easily be crossed.

For example, you grew up with Loretta. You were friends all the way through high school. You spent the night at her house dozens of times. Now Loretta's grandmother is sick, and you are her caregiver.

You run into Loretta in the grocery store and quickly blurt out how happy you are to be able to take care of her grandmother. Loretta's aunt (whom you've never met) is with Loretta and begins asking probing questions about her mother-in-law's health. You provide information without considering confidentiality.

Later that night, you get a call from Loretta who is angry with you for talking about her grandmother to her aunt. It seems there is a family feud going on between the two women that you were not aware of, and now you're caught in the middle of it.

What's worse, you've possibly lost a friend . . . and Loretta's family could actually sue you for violating HIPAA laws.



## TIME TO LAUGH!

*Here is a quick little tip-a,*

*'Bout a law that's known as HIPAA.*

*My advice is to try,*

*Really hard to comply,*

*Or else a new one they'll rip ya!*

~ Michael Devault

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***What do you call someone who complains incessantly about HIPAA?***

HIPAAchondriac

***What do you call urgent HIPAA issues?***

HIPAAcritical

***What is the disease you get from too much HIPAA?***

HIPAAatitis

***What do you call someone who is delighted with HIPAA?***

HIPAA-go-lucky

~ D. Hager, Paramedic



## FIVE KEY POINTS!

### REVIEW WHAT YOU LEARNED!

1. Confidentiality involves keeping clients' medical information away from anyone who does not have the right to know it.
2. HIPAA is the law which outlines the privacy rules that protect clients' medical records and information.
3. Your clients feel safe telling you personal details about their lives and their health. They trust that you will keep it to yourself.
4. Healthcare workers who breach confidentiality can be fined, lose their license and even be put in jail.
5. Your clients' medical information is 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.

## CONFIDENTIALITY Q & A

### Q. Why is confidentiality such an important part of your relationship with your clients?

- A. Remember that clients have to talk to you about private things such as pain, skin rashes, bowel movements and urination. Think of how embarrassing it would be if it was announced to everyone at work that you had three loose bowel movements today! You would never want to tell anyone about your bowels ever again. If a client believes he can trust you to keep his information confidential, he will continue telling you how he feels. If you break confidentiality, the client might stop telling you when his condition changes. That could be dangerous for the client!

### WHAT WOULD YOU DO IF . . .

#### Q. Pretend your client, Mr. Brown, tells you that he has fallen down three times in the last few days. He asks you not to tell his daughter or anyone else since he doesn't want to worry anyone. He says he knows he can trust you to keep it a secret. What would you do?

- A. You need to tell Mr. Brown that it is your duty to report any changes in his condition to your supervisor. You want him to continue trusting you, but you must tell your supervisor about the falls. Remind Mr. Brown that you want what is best for him and that his safety is your responsibility. Tell him that you will not say anything to his daughter, only to your supervisor. Report the client's condition to your supervisor, but be sure to say that you were not present when he fell. Also, let your supervisor know that Mr. Brown is worried about his daughter finding out. Your supervisor will follow up with the client according to policy.

#### Q. Let's say that a fellow employee tells you in private that she may have a drinking problem. While there have been no problems with her client care, you are afraid there might be, so you tell your supervisor what she said. Your supervisor fires the employee immediately. Have you broken confidentiality about your coworker?

- A. This is a difficult situation, but, yes, you have broken confidentiality. Your fellow employee could sue you for not keeping the secret, saying you caused her to lose her job. However, you also have a responsibility for keeping clients safe. Instead of telling the supervisor yourself, you might try encouraging the coworker to talk to the supervisor about her drinking problem. Some workplaces have programs to help employees with drug or drinking addictions. (NOTE TO INSTRUCTOR: Obviously, this is a complex issue. You may want to explore it further based on your workplace policies.)

## FINAL CONFIDENTIALITY TIPS!

- 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!
- All medical information is confidential, especially about a client with HIV. Every state has laws about how to handle HIV information. If you don't know the law 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 work day. 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 cellular telephone.
- 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.
- Never leave any charts, papers or computer screens containing client information visible in public areas. Others may be able to see them.
- If you work at a facility, avoid talking about clients in public areas like the cafeteria or front desk. You never know who may be able to hear you.
- After viewing client information on a computer, don't leave without logging off of the computer first. Also, don't share computer passwords or codes with anyone.
- 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 all 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. For example, if a client tells you that the right side of his body has gone numb, you do not keep that information secret! Let your supervisor know right away.



## WHAT I KNOW NOW!

Now that you've read this inservice on confidentiality, jot down a couple of things you learned that you didn't know before.

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