


HIPAA and Paper Recycling



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OBJECTIVES:

- Understand the basic requirements for information privacy under HIPAA;
- Assess your facility's readiness for compliance with HIPAA requirements;
- Develop and implement policies and procedures as they pertain to the "end-of-life" disposal and destruction of confidential paper documents.*
- Evaluate options for "end-of-life" disposal and destruction of confidential documents, and develop an environmentally responsible and fiscally prudent option for your facility.

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What is HIPAA?

The Health Insurance Portability and Accountability Act
... A Federal Law Created in 1996


H = Health

I = Insurance


P = Portability and

A = Accountability

A = Act



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HIPAA Standards

- requires that health care organizations establish written policies and procedures for implementation of privacy and security measures.
- DOES NOT dictate specific guidance on HOW health care facilities meet the standard

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The problem...

- H2E identified that the lack of guidance was leading to misinterpretation of the guidelines
- Document destruction companies were calling the shots
- The next very expensive waste stream was being created as a result...



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H2E Objectives

Assist health care facilities meet the intent of HIPAA in a manner that promotes environmental performance and that is financial responsible and sustainable.

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Develop Policies and Procedures

- **Key Players:**
 - Risk Management
 - Housekeeping/Facilities
 - Waste Manager
 - Medical Records, Human Resources, Information Resources, Others
- **Key Themes:**
 - reasonableness,
 - appropriate safeguards,
 - risk assessment,
 - inadvertent discovery

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Define Confidential...

- Personal and Reporting Information
 1. All patient care record and information which contains patient and/or practitioner identifying information, e.g. mental health records, medical records, practitioner referral slips, appointment records, research records, and records which may contain patient information, such as billing records
 2. Peer review, quality management, performance improvement, utilization review, risk management documents, and credentialing information
 3. Reports to regulatory agencies such as incident reports or reports of unusual occurrences, child abuse reports and other required protected reports, and some accreditation information
 4. Employment documents, particularly letters of reference
- Documents Made Confidential by Agreement, Organizational Policy, or Practice
 1. Documents containing proprietary information and trade secrets
 2. Certain financial records of the corporations, including tax records
 3. Business transaction agreements and records
- Documents Where Careless Disposal Could Jeopardize a Person's Privacy
 1. Social security numbers with names, or addresses of the individual (or family members) who is the subject of the number
 2. Members/patients' credit card numbers and personal financial data, including Medicare and Medicaid identifiers
 3. Employee directories

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HOSPITALS for a HEALTHY ENVIRONMENT

Paper Segregation and Compliance w/ HIPAA

- In an attempt to control collection costs...
 - Are you segregating confidential and non-confidential papers?
 - Are you using locked bins?
 - Do you have different types of bins?
 - ...space constraints, creating gray areas of confusion, labor considerations...
 - ASSESS YOUR COMPLIANCE – DO A WASTE AUDIT.

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HOSPITALS for a HEALTHY ENVIRONMENT

Universal Confidential Waste Approach...

- Consider commingling ALL paper
- Considerations
 - Is commingled paper recycling available in your area – adapt accordingly
 - Storage
- Disadvantages
 - If you're shredding on-site, there's more paper to shed, including newspaper and magazines
 - If you're using a document destruction company, this will be more expensive – so find an alternative

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HOSPITALS for a HEALTHY ENVIRONMENT

COMMINGLED PAPER (cont.)

- Cost Implications
 - Not necessarily more expensive...
 - Labor considerations
 - Ease of compliance with HIPAA
- Benefits
 - Easier for generators
 - Easier for waste handlers
 - Fewer bin types, greater access...
 - SIGNIFICANT IMPROVEMENT IN PARTICIPATION IN HIPAA COMPLIANCE

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HOSPITALS for a HEALTHY ENVIRONMENT

Recycling as Destruction Method

- *Pulping* or Recycling is an effective way of destroying documents
- Biggest Challenge is finding a recycler/hauler that can meet criteria to provide secure handling...
- Recycling with a bonded/certified destruction service:
 - bonded recycler or directly to a bonded paper mill.
 - certificate of destruction
- Recycling with a due diligence* approach:
 - Audit facility to assess level of reasonable security.
 - If contracted recyclers handle and process paper in a manner that meets confidentiality standards for security, then the certificate of destruction may not be needed.
- Both require good relationship with hauler, annual audits, continuous assessment

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To Shred or Not to Shred

- That is the question...
- Shredding options
 - Desk side
 - Departmental
 - Large industrial
 - Document Destruction Companies
- Probably some combination, but...
- Shredding is expensive and may not be necessary in all areas if your recycling vendor provides secure services...



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Locked vs. Unlocked Bins

- Facility Assessment - appropriate level of "secure receptacles" necessary to minimize risk
- Nature of the department and public/staff access will help determine whether containers can be open, lidded or covered, and/or locked.
- Advantages to locked bins:
 - paper is secure from point of generation through point of destruction
 - the facility can visually and systematically demonstrate to clients that an infrastructure exists to protect information security
 - avoids the need to shred at point of generation,



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Disadvantages to locked bins

- additional cost to purchase locking containers
- additional labor to collect paper from locked bins or swap out containers
- space needed to store locked bins, space needed to stage locked bins during collection
- finding and keeping track of keys for bins; need to decide if all bins should be keyed alike, or have multiple keys, multiple locks
- **Increased cost and labor considerations may limit access to confidential containers, consider whether staff compliance will decrease if participation is not easy and accessible.**

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Source Reduction

- Create less paper in the first place
- Work with Computer Services, Admitting, Lab, other generating departments to assess report distribution
- Double-sided copying
- Use HIPAA compliance as reason for imperative to reduce paper...

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Training and Education

- Generator compliance is key to successful compliance program
- Consider inclusion of compliance with confidential waste policy part of job description
- Clarify what happens when policies are violated
- Empower waste manager (and housekeepers) to problem solve

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CONTINUUM RECYCLING NEWS

Breaking News! Paper Recycling: It's not just good for the planet, it's THE LAW! As part of HIPAA compliance, all Patient Health Information **MUST** be recycled!

NEW! Recycling Containers Updated
Remember to print correctly!

Green Bin

Ask Recycling Help

Do you know? It's still OK to have legal, classified documents sent to the bin for pick-up

Continuum Recycling

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PAPER RECYCLING

All Non-Confidential Office Paper AND Paper with Confidential Protected Health Information* Goes Here!!

Remember, Continuum recycles all kinds of paper, including:

- White and colored office paper
- Forms, envelopes
- Newspapers, magazines
- Junk mail, brochures

*** Protected Health Information includes:**

- | | | |
|-------------------------------|--------------------------------------|---|
| -Patient name and/or address | -Social security number | -Web URL, internet protocol address |
| -Names of relatives | -Medical record number | -Finger or vein print |
| -Names of employer(s) | -Health plan beneficiary number | -Photographic images |
| -Birth date | -Account number | -Any other unique identifying number, characteristic or code (whether generally available in the public realm or not) |
| -Telephone number, fax number | -Certificate and/or license number | |
| -E-mail address | -Any vehicle or device serial number | |

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HIPAA "Inspections"

- Not inspectors – “Privacy Specialists”
- HIPAA will not do random inspections, they respond to complaints
- There are civil fines are “reckless conduct” -- form basis of common law on invasions of privacy
- Criminal Penalties for willful and criminal conduct
- Not liable for inadvertent discovery!!!

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HIPAA

H2E has created a guidance document for health care providers.



http://www.h2e-online.org/tools/waste_hipaa.html

H2E HIPAA RESOURCES

- *H2E - HIPAA Guidance Document*
- *Sample Due Diligence / Annual Audit of Confidential Paper Recycling*
- *Sample Certificate of Destruction*
- *Sample Facility Assessment*
- *Sample Administrative Policy and Procedure Policy*
- *Sample Business Associate Guidelines*
- *H2E Listserv – your colleagues*