

Health Information Compliance Alert

Nursing Facility HIPAA Compliance: Help Staff Sidestep This Psychosocial Privacy Mistake

Doing this can cause residents harm, warns expert.

Nursing facility staff members "need to keep in mind that HIPAA guidelines require that all psychosocial information about the resident and family be kept confidential," says **Francis Battisti, PhD, LCSW**, principal of Battisti Seminars in Binghamton, N.Y. And "staff should not be judgmental" about the information, he stresses.

For example, "a resident may have some tidbits in their history that are somewhat sensational," which staff talk about, he says. In such situations, Battisti thinks people "don't see the relevance of how [their talking about the information] impacts the resident."

Battisti says he's asked staff whom he hears complaining or talking about a resident if they would do so if the resident could hear what they were saying. The staff say, "No, that would hurt the person's feelings." **His reply:** "What you are doing is hurting them because it is hurting their reputation and how people relate to them."

Key: "It's important to explain to staff up front that information about the resident is clinically important and not a story to be repeated," Battisti stresses. "Sharing information between staff is only appropriate when the discussion is for the benefit of the resident or family member. The discussion need only take place when the discussion is for clinical purposes and for the further understanding about the resident or family member."

Remember: "'Minimum necessary' is one of the basic HIPAA tenets," says **Jim Sheldon-Dean**, principal of Lewis Creek Systems in Charlotte, Vt. If you're discussing patient information just for "personal interest -- that's not allowable."