

THE ADVISOR

MONTHLY COMPLIANCE COMMUNICATOR

Compliance with HIPAA's Final Privacy Rule for Reproductive Health Care, Deadline Approaching: December 23, 2024

The U.S. Department of Health and Human Services (HHS) has issued the Final Privacy Rule to support reproductive health care and the protection of related health information under the Health Insurance Portability and Accountability Act (HIPAA). This amendment was designed to strengthen privacy and security for individuals seeking reproductive health care. Other than Notice of Privacy Practices, compliance with the Final Privacy Rule must be adhered to by December 23, 2024. The Notice of Privacy Practices must be adhered to by February 16, 2026. Failure to comply with this rule could result in legal and regulatory repercussions for covered entities and business associates.

Key Provisions and Definitions

The Final Rule introduced new safeguards for reproductive health information, emphasizing the importance of maintaining confidentiality in a complex legal landscape. It clarifies that reproductive health care extends to all individuals and encompasses services like contraception, fertility treatments, pregnancy management, and other health care related to the reproductive system. This definition includes both men's reproductive health and gender-affirming care.

Prohibition on Use or Disclosure of Reproductive Health Information

The new rule strengthens privacy protection by preventing covered entities and their business associates from using or sharing protected health information (PHI) for two specific purposes:

- To conduct a criminal, civil, or administrative investigation into or impose criminal, civil, or administrative liability on any person for the mere act of seeking, obtaining, providing, or facilitating reproductive health care, where such health care is lawful under the circumstances in which it is provided.

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- The identification of any person for the purpose of conducting such an investigation or imposing such liability.

This safeguard ensures that patients can access services without fear of their information being used to target them for legal or punitive reasons.

Attestation Requirements

A Covered Entity or Business Associate is required to obtain a written attestation when a request for PHI related to reproductive health care is made assuring the entity the use or disclosure will not be for the investigation of lawfulness of reproductive health care for one of the following purposes:

- Disclosures for health oversight activities.
- Disclosures for judicial and administrative proceedings.
- Disclosures for law enforcement purposes.
- Disclosures about decedents to coroners and medical examiners.

Presumption Provision

The rule includes a “presumption provision,” which ensures that reproductive health care is presumed lawful unless there is concrete evidence to the contrary. This provision encourages entities to operate on the assumption that the care was lawful, unless informed otherwise by credible sources. For example, if a health plan receives a request for PHI related to reproductive health care, they must evaluate the circumstances and assume legality unless they have direct knowledge or evidence of unlawful conduct.

Compliance Deadline

It is essential that all covered entities and business associates fully understand and implement these requirements by December 23, 2024, to avoid compliance issues. These regulations are vital for protecting patient privacy and maintaining trust in the healthcare system, particularly in the context of reproductive health services. Organizations that fail to comply risk facing penalties, legal action, and significant damage to their reputations.

TMC has provided our clients with a comprehensive write-up for procedures regarding the Reproductive Health Care ruling. You can access both the write-up and attestation in the client portal.

Not a client and interested in the write-up? Contact us at service@totalmedicalcompliance.com.

It's Your Call – December 2024

HIPAA: Does the new reproductive health care ruling require a change to the Notice of Privacy Practices?

A: Yes, the new ruling does require changes to the Notice of Privacy Practices. However, due to the second ruling concerning Substance Use Disorder Treatment records, the Department of Health and Human Services (HHS) has extended the compliance date for the updated Notice of Privacy Practices to February 16, 2026. This extension allows entities to make only one update over the next two years, ensuring a streamlined process.

OSHA: How can I decorate safely with lights and ladders?

A:

- Use three points of contact on ladders and avoid damaged or frayed light sets.
- Follow guidelines for plugging in light strings and use automatic timers to turn lights off.
- Avoid running cords under rugs or overloading outlets, which can create fire hazards.

Have a SAFE Holiday Season! from our OSHA expert

Holiday decorating is a wonderful way to embrace the festive spirit, but staying mindful of safety is essential. Emergency rooms treat thousands of injuries related to decorating accidents each holiday season. Last year alone, fire departments responded to 835 home structure fires caused by holiday decorations, resulting in 3 civilian deaths, 30 injuries, and \$14 million in property damage.

To help you celebrate safely, here are some tips from the U.S. Consumer Product Safety Commission and the National Fire Protection Association (NFPA):

TREE SAFETY

- For live trees: Cut about two inches off the trunk before placing it in water for better absorption. Water your tree daily and remove it from the building when it becomes dry.
- For artificial trees: Ensure the tree is labeled “fire-resistant.”
- Keep your tree at least three feet away from heat sources such as fireplaces, radiators, and candles.
- Never block doorways with holiday decorations.
- Place breakable ornaments or small parts on higher branches, to keep out of reach of children.

LADDER AND LIGHTING SAFETY

- Always use three points of contact when climbing or descending ladders.
- Replace any damaged lights that have frayed wires or loose connections.
- Follow manufacturer guidelines on how many lighting sets can be plugged into one outlet.
- Never attach light strings to walls with nails or staples and be sure keep them off the ground to avoid exposure to water.
- Turn off all lights and decorations before bed or leaving the building or use automatic timers. Most deadly fires occur when people are asleep.
- Avoid running cords under rugs or furniture; they could overheat and start a fire.
- If using extension cords or power strips, consider hiring an electrician to add more outlets, overloaded cords are a common fire hazard.
- All extension cords should be three pronged.

SMOKE ALARMS AND SPACE HEATER SAFETY

- Ensure your home has working smoke alarms in every bedroom, outside sleeping areas, and on every level, including the basement. Test alarms regularly to be certain they are functioning correctly.
- If using a space heater, always turn it off before leaving the room. Fires can start in seconds if the heater tips over or encounters combustible materials like blankets or curtains.

FIRE HAZARDS: Candles and Fireplaces

The holiday season often increases candle use, heightening the risk of fire. According to the NFPA, candles are responsible for half of all home fire incidents in December.

- Keep candles out of reach of children and pets and place them on stable surfaces where they cannot be knocked over.
- Store matches and lighters in a locked, high cabinet out of children's reach.
- Consider using flameless candles as a safer alternative.
- Never burn trees, wreaths, or wrapping paper in an open fireplace.
- Always use a fireplace screen when a fire is burning.
- Never leave candles or a burning fireplace unattended, especially when asleep or away from home.
- Have your chimney and fireplace inspected and cleaned at least once a year.

These simple guidelines can help ensure a safe holiday season for you and your loved ones!

Clean Hands, Healthy Holidays: Protect Loved Ones from Illness with Effective Hand Hygiene

With the upcoming holidays and many family gatherings, one of the most important ways to protect yourself and loved ones is performing frequent hand hygiene. Good hand hygiene protects against sickness and disease such as the flu, respiratory syncytial virus (RSV), COVID-19, and other respiratory illnesses.

Hand hygiene has been known to be the single most critical measure for reducing transmitting organisms (infectious agents) to patients and to each other. Performing hand hygiene helps prevent the spread of infection and is one of the most effective parts of infection control in healthcare facilities. Hand hygiene includes several different methods: hand washing with soap and water, antiseptic hand wash, alcohol-based hand rub, and surgical antisepsis. The focus of this article will be on soap and water handwashing and alcohol-based hand rub for hand hygiene.

In healthcare settings, improper hand hygiene or not performing it at all has resulted in outbreaks of infections. Studies have shown a low adherence to hand hygiene, less than 40%. Some of the most popular reasons given for the lack of hand hygiene among healthcare personnel are:

- that products are inaccessible,
- the products cause skin irritation,
- healthcare providers are too busy to perform hand hygiene, and it interfered with patient care,
- workers were wearing gloves and felt hands were not contaminated,
- they just didn't think about it,
- and they lacked the knowledge of when and how to perform hand hygiene.

Hand washing with soap and water should take place when hands are visibly soiled or dirty, before you eat, after going to the restroom, and after providing care for a patient with diarrhea or norovirus.

The proper sequence for hand washing is:

1. Wet hands first with water, apply plain or antimicrobial soap to hands and rub hands together to create a lather.
2. Vigorously rub hands for at least 20 seconds, covering all surfaces of hands and fingers – don't forget the thumbs!
3. Rinse with water,
4. Dry with a disposable towel, and turn the faucet off (if manual) with the towel.
 - a. The World Health Organization (WHO) states the entire hand washing process will take approximately 40-60 seconds.

Alcohol based hand sanitizers are preferred if hands are not visibly soiled. Hand sanitizers should have at least 60% alcohol or higher in them. The proper steps for using alcohol-based sanitizer are:

1. Apply the specified amount of the product from manufacturer label and rub hands together, covering all surfaces of hands and fingers.
2. Continue rubbing hands until all surfaces of the hands are dry. Healthcare personnel should follow the manufacturer's instructions on the amount of sanitizer to be used. The WHO states the entire process of using hand rubs should take approximately 20-30 seconds.

Each facility should have and consider these elements to be included in a hand hygiene program. The infection control officer should involve staff in the selection and evaluation of hand hygiene products. Lotions should be considered and provided that are compatible with soaps and alcohol-based hand rubs.

Artificial nails and long natural nails should not be worn when providing direct patient care, as they compromise handwashing. Artificial nails have been linked to disease outbreaks in high-risk hospital settings. Bacteria can adhere to artificial nails, making it impossible to properly clean. They can also cause gloves to tear and are not recommended for workers.

Hand hygiene education should be provided at time of hire and no less than annually thereafter. Compliance with recommended hand hygiene practice should be monitored and findings reported back to staff on a routine basis. Input from staff on the hand hygiene program is an important part of compliance.

We have seen an increase in respiratory illnesses, including flu, RSV, and COVID in our country. During respiratory illness season healthcare workers should ensure and perform hand hygiene regularly throughout each day. Clean hands are an important defense against spreading infections. And remember to wash those hands at family gatherings, this will make happier holidays for all. Happy Holidays!

Stay tuned for next month's continuation of the steps in instrument processing where we will cover sterilization and storage.

Empowering Your Workplace: New Courses for Safety, Compliance, and Cybersecurity

In today's rapidly evolving professional landscape, staying informed and prepared is more crucial than ever. To meet the diverse needs of organizations and their staff, we are excited to introduce a selection of new courses designed to enhance safety, compliance, and overall workplace effectiveness. From cybersecurity awareness to infection control in dental settings, these courses provide comprehensive training to help you build a safer, more secure, and compliant work environment. Here's a look at the latest courses we're offering.

Infection Control Program – Dental

Pricing available upon request

The Infection Control Program – Dental course is a comprehensive guide for dental practices, ensuring adherence to infection control standards and fostering a safe environment for both patients and staff. This program covers vital areas such as sterilization, instrument processing, disinfection protocols, and compliance with CDC guidelines. Designed to help dental teams build and maintain an effective infection control strategy, this course is essential for promoting the highest level of safety and care in dental settings.

Sexual Harassment Training for Management

\$35.00

The Sexual Harassment Training for Management course provides leaders with the tools they need to recognize, prevent, and address sexual harassment in the workplace. This training emphasizes understanding legal obligations, fostering a respectful work culture, and responding effectively to incidents. Management teams will learn strategies to maintain a safe and supportive environment, ensuring compliance and protecting employee well-being.

The Importance of Confidentiality in the Workplace

\$15.00

The Importance of Confidentiality in the Workplace course highlights the significance of maintaining privacy and protecting sensitive information within an organization. Participants will gain insights into best practices for handling confidential data, understanding legal and ethical responsibilities, and creating a culture that values discretion and trust. This training helps safeguard both company interests and employee trust, which is crucial for business integrity.

Tips for Public Wi-Fi Security

\$15.00

The Tips for Public Wi-Fi Security course educates individuals on how to stay protected while using public Wi-Fi networks. Covering topics such as recognizing the risks of unsecured connections, employing secure browsing practices, and understanding the importance of VPNs and encryption, this course equips participants with practical knowledge to keep personal and professional data safe when on the go.

What is Social Engineering?

\$15.00

The What is Social Engineering? course unravels the tactics cybercriminals use to manipulate individuals into revealing confidential information. Participants will learn about the common strategies used in social engineering attacks, how to identify and respond to suspicious interactions, and ways to build strong defenses against these psychological manipulations. This course is essential for raising awareness and reinforcing security protocols in any organization.

What is Cybersecurity?

\$15.00

The What is Cybersecurity? course provides an introductory overview of cybersecurity principles and practices. This course is ideal for individuals new to the topic, this training explains core concepts, potential cyber threats, and essential preventive measures. Participants will leave with a foundational understanding of how to protect both personal and organizational data from cyber risks, fostering a proactive security mindset.

Dealing with a Data Security Incident

\$15.00

The Dealing with a Data Security Incident course prepares individuals and teams to respond effectively to data breaches and other security incidents. The training covers incident detection, immediate response protocols, regulatory reporting requirements, and post-incident recovery strategies. By understanding how to manage such situations, participants can help minimize potential damage and ensure compliance with data protection laws.

Phishing Emails Course

\$15.00

The Phishing Emails Course is designed to help individuals identify and defend against one of the most common cyber threats: phishing. This course explains how phishing scams work, teaches participants how to spot suspicious emails, and provides actionable tips for avoiding scams. Equipping employees with this knowledge is crucial for maintaining the security and integrity of organizational information.

These new courses are tailored to equip professionals with the knowledge and tools necessary to navigate modern challenges, improve workplace safety, and ensure compliance with industry standards. Whether you're looking to bolster your organization's cybersecurity defenses, enhance your infection control practices, or strengthen management's ability to foster a respectful work culture, these courses provide the essential training to help you achieve your goals. Visit our website for more details and take the next step toward a more informed and secure workplace.

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Instructions

Print and post newsletter in office for staff review. Each member should sign this form when completed. Keep on file as proof of training on these topics.

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Need to contact us? Scan the QR code for all the ways to get in touch!