

# THE ADVISOR

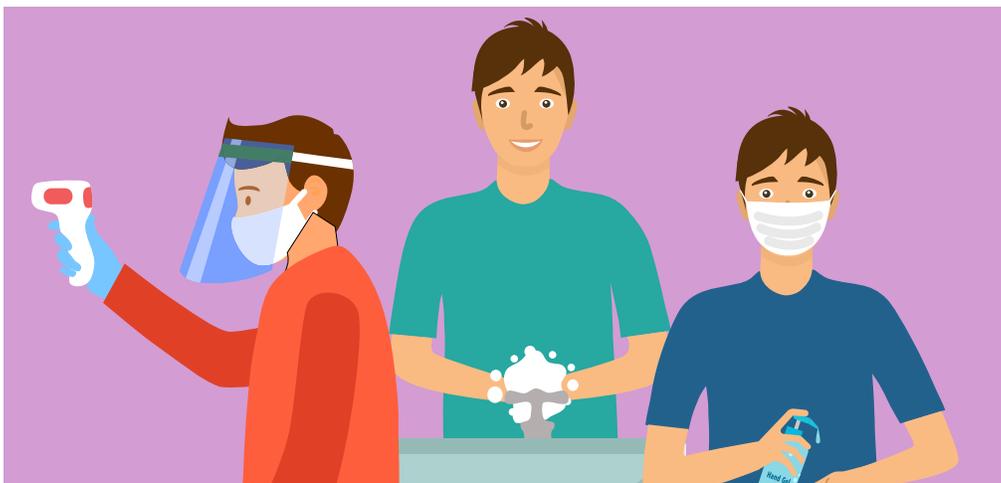
MONTHLY COMPLIANCE COMMUNICATOR

## Masking and Vaccination Status

There is a lot of confusion over who should be masked and when. How do you digest all the information coming from multiple sources and make the best decision for your practice?

### Who do you listen to?

For healthcare that answer is simple. Follow the highest level of protection recommended by the CDC and OSHA (federal and state). This not only offers the best protection for your workers but also the best protection for your practice from fines and from lawsuits.



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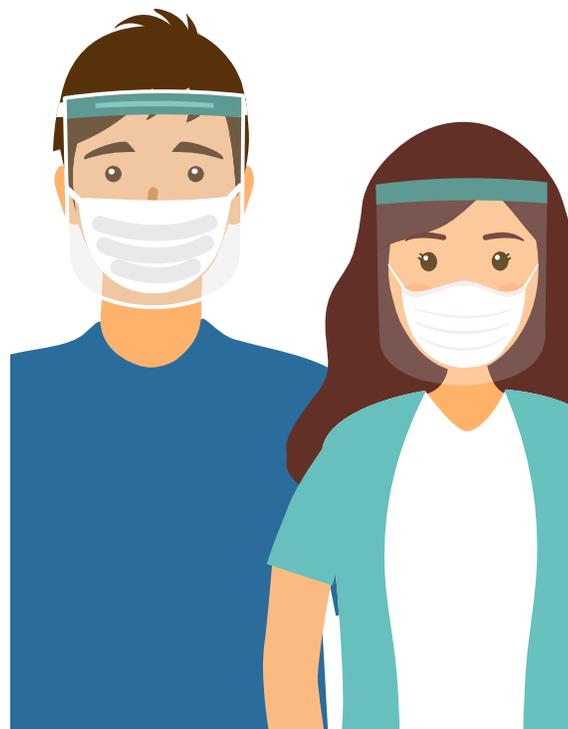
# OSHA COMPLIANCE

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## What are the recommendations of the CDC and OSHA?

Because community transmission, which increases the risk of exposure to infected individuals, is so high across the country currently, OSHA and the CDC agree on the following:

- Every person coming into your practice for more than the quick drop-off/pick-up of mail and packages must be screened for symptoms and they must be masked if possible. This means employees, patients, visitors, and workmen.
- Employees should also wear eye protection when social distancing is not possible. This means face shields or goggles. Safety glasses are not enough.
- Employees should wear N95 masks on the FDA approved list when around a patient who is known or suspected to have COVID or when performing aerosol generating procedures.
- Vaccination status of the employee or the patient does not matter currently because of the high levels of community transmission.



## What about well-defined, employee-only areas?

Again, due to high levels of community transmission, the recommendation is back to universal masking and social distancing. Monitor the level of community transmission by either checking the [CDC's website](#) or your state's health department website. When transmission levels have dropped to low or no community transmission, vaccinated employees in well-defined employee-only spaces can drop the masking and social distancing requirements as long as you are still screening them daily for symptoms. Unvaccinated workers must still be protected against other unvaccinated workers.

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# OSHA COMPLIANCE

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## What is required versus recommended?

When it comes to what is stated by OSHA and the CDC there is no difference between these words. Failure to meet or exceed a CDC recommendation can and will be fined by OSHA just as if it is an OSHA requirement.



**Remember** that a vaccine does not mean you can't get or spread the virus. It only means your body has a better chance to fight the virus. Being vaccinated means that when the virus invades your body your immune system is already prepared to fight so you have a higher chance of having fewer, milder or no symptoms than the average non-vaccinated person.

During this time of rapid spread of the delta variant wearing masks and other safety measures will reduce the chance of spreading COVID-19. With 4.5 million deaths world-wide, practices must do all that they can to ensure the safety of both their patients and their workers.

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# HIPAA COMPLIANCE

## Happy 25th Birthday HIPAA! A Back-To-Basics Review

The Health Insurance Portability and Accountability Act of 1996 turned 25 on August 21st.

You will notice that there is no mention of information, privacy, or security in its title. So, how did we end up with the Privacy, Security, and Breach Notification Rules? Electronic health information and the internet was just becoming common in the 1990's, so including privacy and security sections in the law was almost an afterthought. To avoid delays, a general requirement was included for the Secretary of the U.S. Department of Health and Human Services to create regulations to protect people's health information. HIPAA calls this "protected health information" (PHI).



### What is the purpose of HIPAA?

HIPAA had several goals related to the healthcare industry. Two of the primary goals were to:

- 1 Make it easier for people to maintain health insurance coverage when changing jobs.
- 2 Simplify and standardize health insurance transactions (claims) and related information.  
This was meant to help make the first goal possible and assist with detecting fraud, waste, and abuse.

### Who has to follow HIPAA?

Healthcare providers who submit insurance claims and related transactions electronically are required to follow HIPAA and are called Covered Entities. Business associates of these providers must also follow the HIPAA Rules. These are vendors that require access to PHI to provide their services to covered entities. Collection services, billing companies, IT management and support, and shredding services are some examples of business associates.

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# HIPAA COMPLIANCE

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## What do the rules do?

### The Privacy Rule

- Gives patients ownership of their own health records and the rights to know how their PHI is being used and disclosed, to restrict its use and disclosure, correct it, and to access it.
- Determines what uses and disclosures are permitted and required by law and how the privacy of PHI should be protected by covered entities.

### The Security Rule

- Establishes guidelines on how electronic PHI must be protected.
- Sets standards for the appropriate access, transmission, and storage of electronic PHI and managing risks to its confidentiality, integrity, and availability.

### The Breach Notification Rule

- Defines a breach of the privacy or security of the health information and provides exceptions.
- Outlines documentation and reporting/notification requirements to patients and HHS.

Entities must have policies and procedures that support HIPAA's requirements and train workers regularly. It is very important to use forms, software, and vendors that comply with the rules. Everyone is responsible to participate in compliance and help monitor and report potential risks and issues.

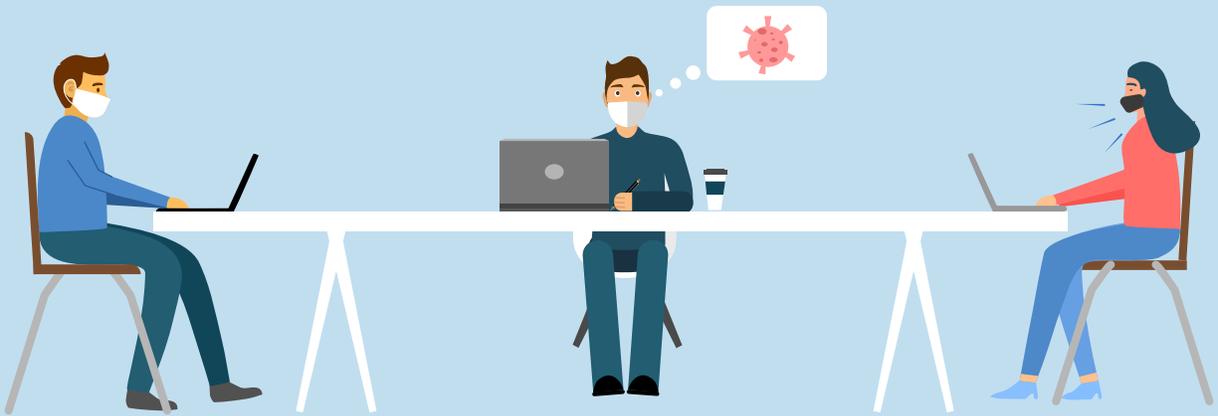
Once past the basics of HIPAA, things can quickly get complex. Detailed solutions and guidance are often entity and situation specific. TMC clients not only have immediate access to forms and guidance in the Client Portal but have a personal consultant as well as easy expert support by contacting Client Services.

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# INFECTION CONTROL



## COVID Exposure or Infection? Next Steps

Determining next steps when a worker has symptoms or has been exposed to COVID-19 can be tricky. First let's review the definition of exposure: Being within 6 feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period.

An individual can spread infection for 48 hours prior to becoming symptomatic or may be infected and show no symptoms at all. In the workplace you would not fall under this definition of exposure IF you were wearing appropriate personal protective equipment (PPE) including the use of an N95 respirator or higher and eye protection.

TMC frequently receives questions on the following three scenarios.

- 1 A worker is experiencing [Symptoms of COVID-19](#) with no known exposure.

Workers should either self-monitor or be screened at the beginning of each workday or shift. If they are exhibiting indication of illness, they should not enter the workplace and if they become symptomatic during the workday, they should leave immediately. While symptoms of COVID-19 may mimic other respiratory illness, based on our current situation, COVID-19 infection should be ruled out. The best process to allow the individual to return to work is to have a COVID-19 PCR test. This test is highly accurate, and results are reliable. If the worker is still experiencing symptoms after the negative test there is a possibility that the test was obtained too early, or it is a false negative. Follow-up with a healthcare provider about symptoms, especially if they worsen, about follow-up testing, and how long to isolate.

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# INFECTION CONTROL

- 2 A worker who is not vaccinated and has been exposed to COVID-19.

This individual should quarantine, regardless of whether they are exhibiting symptoms of the illness. COVID testing is recommended two days after exposure and if negative the test should be repeated on day 5 – 7 after exposure. The [CDC recommends a 14-day quarantine period](#) as the safest process, but also has provided direction on reduced quarantine times which can be considered. Local and state health departments will have the final say on the length of the quarantine period. With the alternate process, workers may return to the workplace when meeting one of the following:

- After day 10 without testing.
- After day 7 if a test result is negative on day 5 or later.

If the test is positive, the return-to-work criteria must be met.

- 3 A worker who IS vaccinated and has been exposed to COVID-19.

Quarantine is not required if fully vaccinated unless symptoms appear. COVID -19 testing is recommended on the same timeline as for unvaccinated workers. If the test is negative self-monitoring should occur for 14 days after the exposure, as symptoms may appear up to 14 days after exposure. If the test is positive, return-to-work criteria must be met.

## Return to Work Criteria for Symptomatic and Asymptomatic Employees

Employees who have been removed from the workplace due to COVID-19 infection may return to work in accordance with guidance from a licensed healthcare provider or in accordance with [CDC guidelines](#).

Symptomatic employees may return to work after all the following are true:

- At least 10 days have passed since symptoms first appeared, and
- At least 24 hours have passed with no fever without fever-reducing medication, and
- Other symptoms of COVID-19 are improving. (Loss of taste and smell may persist for weeks or months and need not delay the end of isolation.)

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# INFECTION CONTROL

Asymptomatic employees may return to work after at least 10 days have passed since a positive COVID-19 test. If an employer receives guidance from a healthcare provider that the employee may not return to work, they must follow that guidance.

Without a doubt, healthcare is facing challenging times and questions abound, such as how to maintain adequate staffing to deliver patient care. It does seem that guidance changes frequently which can lead to confusion. The goal for any employer is to protect their workers. Ensuring that workers understand the process if they are experiencing symptoms of COVID or if they have been exposed is the first step in reducing the risk of spread of infection.



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# SECURITY SCOUT SEPT 2021

## DO

Use different passwords for every account.

Consider using a passphrase or the longest password allowed.\*

Consider using a password manager program to keep track of your passwords.

Always sign out or log off and close your browser when exiting an account.

DON'T	BECAUSE
Share accounts, usernames, or passwords.	It cannot be determined who is responsible for activity in the account.
Create passwords based on personal information	Using a combination of an anniversary, birthday, address, or phone number is easier for hackers to guess because that information is easy to find.
Write your password down or keep it taped to your computer, in your desk, or next to your computer.	Others can find your password and use it.
Tell anyone your passwords.	Attackers try to trick you by requesting your password by phone calls or in email messages.

## How to create a password from a sentence

- 1 Write a sentence that's easy to remember. Example: I like chocolate covered strawberries
- 2 Use the initial letter of each word. Be sure to replace some of those letters with a number or symbol.  
Example: [!] [l]ike [t]o [e]at [c]hocolate [c]overed [s]trawberries"

Result: !L2eCcS

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## IT'S YOUR CALL

### OSHA:

The OSHA Emergency Temporary Standard (ETS) is aimed at protecting workers from the grave dangers of COVID-19 hazards. However, some employers are exempt. Several offices are described below. Identify which office(s) would be exempt from the ETS. Circle all that apply.

Office 1. Pediatric practice provides testing and treatment for COVID-19 patients, screens everyone prior to entry into the building, and all workers are vaccinated.

Office 2. Dental practice that screens non-employee prior to entry. They do not provide COVID testing nor do they treat COVID-19 patients.

Office 3. Specialty practice in a well-defined hospital ambulatory care setting near a hospital. All workers are vaccinated. Non-employees are screened prior to entry, and no suspected or confirmed COVID-19 people are permitted to enter.

Office 4. Medical practice that screens non-employees prior to entry and provides occasional COVID testing. No treatment for COVID-19 patients provided.

### HIPAA:

Multiple Choice:

**HIPAA** stands for:

- A Healthcare Information Privacy Administrative Act
- B Health Insurance Portability and Accountability Act
- C Health Information Protection and Awareness Act

[CLICK HERE  
FOR ANSWERS](#)

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## MONTHLY COMPLIANCE COMMUNICATOR

SIGNATURE

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DATE

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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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