



UAMS

HIPAA HYPE

**"Confidentiality is everyone's job,
not everyone's business"**

February 2004



Professional Judgment –

HIPAA Privacy Regulations call for the use of professional judgment in many instances. "No matter how much HHS tried to provide guidance, HIPAA compliance will require a lot of professional judgment," says attorney Brian Gradle. "It is inherent in the rule." UAMS professionals will have to use their best judgment when using and disclosing patient information. Here is some helpful information on which employees this will include-

Definitions of Professional-

PROFESSIONAL EMPLOYEE - Any employee engaged in work predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; involving the consistent exercise of discretion and judgment in its performance; requiring knowledge of an advanced type in a field of science or learning customarily acquired by specialized intellectual instruction and study in an institution of higher learning.

Or

PROFESSIONAL - a person engaged in one of the learned professions.

If you are unsure of a decision regarding HIPAA consult your supervisor or the HIPAA Office for guidance.

Policies and Procedures Modules are now available online at the HIPAA website. <http://hipaa.uams.edu/>

Policy No.	HIPAA Specific and Related Policies
3.1.26	Accounting for Disclosures
3.1.33	Business Associate Policy
7.3.03	Computer Device Custodial Practices
3.1.15	Confidentiality Policy
3.1.31	De-Identification of PHI
14.1.01	Disclosures to the Media
3.1.19	Faxing Policy and Form
3.1.30	HIPAA Education and Training
3.1.25	Minimum Necessary
3.1.22	Mitigation of Uses/Disclosures in Violation of HIPAA
3.1.21	Notice of Privacy Practices Policy
3.1.34	Patient Information Restriction Requests
3.1.32	Patient's Request to Amend Medical Records/PHI
3.1.17	Mobile Device Safeguards
3.1.24	Psychotherapy Notes
3.1.20	Release of Patient Directory Information
3.1.18	Request for Alternative Method of Communications of PHI
3.1.29	Requests for Data Extracts
3.1.23	Reporting Policy for HIPAA Violations
3.1.27	HIPAA Research Policy
3.1.28	Use and Disclosures of PHI and Medical Records
3.1.30	HIPAA Education
3.1.35	Use of PHI for Fundraising
3.1.36	Use of PHI for Marketing
3.1.37	Verification of Identity
3.1.38	PHI Safeguards

Those policies in bold above, should be reviewed by all employees. All others should be reviewed as needed in your according to your duties. You should speak with your supervisor about which policies apply to you.