

THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

Child Care Information Guide



USDA is an equal opportunity provider
and employer

If you have additional questions,
contact:

The Early Childhood Services
Bureau, your child care licensor,
or the DPHHS Privacy officer

WHAT IS HIPAA??

A law called, HIPAA, the Health Insurance Portability and Accountability Act was passed in 1996. Its original purpose was to insure that people who changed jobs could keep their health insurance in the new job without being excluded because of a pre-existing medical condition.

A part of the law was written to simplify the processing of healthcare information by making it more electronic and more standardized. With sensitive health information being sent electronically, Congress felt it was critical to ensure the privacy and security of that information.

Early Childhood Services Bureau
111 N Jackson, 5th Floor
PO Box 202925
Helena, MT 59620

I PROVIDE CHILD CARE, WHAT DO I NEED TO KNOW?



You need to know
about "PROTECTED
HEALTH

INFORMATION" (PHI)

WHAT KIND OF PHI MIGHT CHILD CARE PROVIDERS HAVE ACCESS TO?

- If you are on the Child and Adult Care Food Program, you might have access to medical records of children documenting **food allergies**.
- If you have a special needs child in your program, you may have medical information about the **child's disability**.
- You most likely have **immunization records** of children and staff.
- You may have Pediatric **Health Statements**, and
- You may have medical documentation concerning a staff member's **Personal Statement of Health**.

Protected Health

Information includes a person's private health data or medical records. They must be kept confidential.

HOW DO I KEEP PHI CONFIDENTIAL?

By not sharing information, with anyone other than the person it belongs to or his or her parent if the person is a child.

By keeping Protected Health Information secure. This means keeping this information in a locked file cabinet.

By not talking about PHI in a public place. Conversations about a child's PHI must occur in private areas that are not conducive to eavesdropping.

By keeping record keeping areas picked up. Mail, computer screens, faxes and files containing PHI should never be left out where they may be seen by others.

ARE THERE TIMES WHEN IT IS OKAY TO SHARE PROTECTED HEALTH INFORMATION?

PHI can be shared:

- ☉ With a Child Care Licensor, or Child and Adult Care Food Program monitor during the course of an inspection.
- ☉ If there is an emergency and a child is in danger if the information is not shared.

Child care providers need to keep a log of any time they share Protected Health

HIPAA has additional rules about sharing PHI. There are times when a "Release of Information" is needed or a "Notice of Use of Protected Health Information" should be provided.

**WHEN IN DOUBT ABOUT
SHARING PHI --- DON'T!!!! Call
the DPHHS Privacy Officer at
1-800-645-8408**