

UNIVERSITY OF WYOMING

PHCY 5247

HIPAA COMPLIANCE, 2 Credit Hours

Asynchronous Online Delivery, Through WyoCourses

This Course Meets Daily on the Discussion Board in WyoCourses

Instructor Contact Information:

Professor David Brushwood, R.Ph., J.D., Phone: 307 766-6120, Email: dbrushwo@uwyo.edu, Office: HS 292. Your professor does not maintain an office in Laramie. Electronic communication through telephone or email (preferred) will always be welcomed.

Office Hours:

Sunday afternoons online, or at other times by appointment either by telephone or teleconference (Zoom meeting). Please post general questions about the course to the orientation module discussion board. Personal matters should be addressed directly to the instructor through email or telephone.

Course Prerequisites, Co-requisites, and Enrollment restrictions:

This course is open to professional students, and graduate students, with no prerequisites.

Course Description: An overview of the basic principles of patient confidentiality. Emphasis is placed on the federal HIPAA legislation and its regulatory requirements. Challenges to the preservation of confidentiality in patient care are discussed, within the context of busy and public healthcare settings and the need for security of electronic healthcare records.

Student Learning Objectives:

Knowledge-Based Learning Objectives

- Distinguish between privacy, confidentiality, and privileged information.
- Describe the traditional approach to patient confidentiality undertaken by pharmacy and other healthcare professions.
- Explain what individuals and institutions must be compliant with HIPAA requirements.
- Define the meaning of “minimum necessary information.”
- Describe the mandatory content of privacy notices that are required under the HIPAA regulations.
- Explain common violations of the HIPAA confidentiality requirements.
- Outline the basic structure of the HIPAA rules.
- Discuss how the electronic health record, electronic communication, and social media have presented new challengers to the preservation of patient confidentiality.
- Discuss how a “culture of compliance” can prevent violations of the HIPAA rules.
- Illustrate ways in which a focus on HIPAA compliance can distract from quality patient care.
- Describe the patient’s right to control the patient’s healthcare information.

Application-Based Learning Objectives:

- Locate and interpret HHS regulations for HIPAA compliance.
- Determine whether a healthcare dataset qualifies as de-identified information.
- Address unauthorized disclosures of PHI.
- Obtain patient consent to disclosure of PHI.

Practice-Based Learning Objectives:

- Demonstrate the necessary activities of a healthcare privacy officer.
- Develop a policy and procedures manual for HIPAA compliance.
- Conduct effective training on HIPAA compliance.
- Supervise a self-audit of HIPAA requirements in a healthcare setting.

Required texts, readings, and special tools or materials:

There is no textbook. However, there are background readings that must be downloaded from the internet (these readings are subject to change when they are updated or replaced by more current readings from the same source or from an alternative source). Selections from these documents will be assigned as required reading prior to each of the pre-recorded lectures.

- United States Centers for Medicare and Medicaid Services. HIPAA Basics for Providers: Privacy, Security, & Breach Notification Rules. <https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/HIPAAPrivacyandSecurity.pdf>
- United States Department of Health and Human Services. HIPAA Administrative Simplification Regulation Text. <https://www.hhs.gov/sites/default/files/hipaa-simplification-201303.pdf>
- United States Department of Health and Human Services. HIPAA Compliance Case Examples. <https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/examples/all-cases/index.html>
- United States Department of Health and Human Services. Office for Civil Rights. Guidance for Risk Analysis Requirements under the HIPAA Security Rule. <https://www.hhs.gov/sites/default/files/ocr/privacy/hipaa/administrative/securityrule/rafinalguidancepdf.pdf>
- United States Department of Health and Human Services. HIPAA Policy Brief: When HIPAA covered entities can disclose protected health information to public health authorities. <https://www.phe.gov/about/OPP/dhsp/Documents/policy-brief-hipaa.pdf>

There are 10 Pre-Recorded lectures that must be viewed, studied, and discussed on the discussion board:

- Foundations of Patient Confidentiality in Pharmacy & Healthcare
- Professional Self-Regulation and the Patient's Right of Confidentiality
- The Necessity for Federal Regulation of Patient Privacy
- Preserving Patient Control of Health Care Information
- The Policies and Procedures mandated by HIPAA Regulations
- Integrating HIPAA into Healthcare Systems
- Overcoming Barriers to Healthcare Presented by HIPAA Rules
- HIPAA Challenges in an Era of Electronic Communication

- HIPAA Compliance is a Serious Responsibility that Cannot be “Gamed”
- Identifying and Addressing HIPAA Violations

There are 10 legal case studies that will be assigned from the latest court reports. Each student must select one of these case studies to evaluate during the course, and these evaluations must be summarized and posted to the discussion board. Volunteers will be accepted to evaluate each of the case studies, and students will be “volunteered” by the instructor if no student steps forward to accept responsibility for a case study.

There are 10 journal articles that must be read, studied, and evaluated on the discussion board:

- McCarthy, Ethics and Patient Privacy, JAPhA (2008)
- Tendam, The HIPAA-Pota-Mess: How HIPAA's Weak Enforcement Standards Have Led States to Create Confusing Medical Privacy Remedies, Ohio State L Rev (2018)
- Cohen and Mello, HIPAA & PHI in the 21st Century, JAMA (2018)
- Lo and Alpers, Uses and Abuses of Prescription Drug Information in Pharmacy Benefits Management Programs, JAMA (2000)
- Agris and Spandorfer, HIPAA Compliance and Training: A Perfect Storm for Professionalism Education? J Law Med Ethics (2016)
- Marting, HIPAA Answers to Your Frequently Asked Questions. Family Practice Mgt (2018)
- Berwick and Grimes, How HIPAA Harms Care, and How to Stop It, JAMA (2018)
- Ratliff, HIPAA Violations on Social Media-Will HHS Continue to Ignore? U Mem Law Rev (2015)
- Wilkes, The Creation of HIPAA Culture: Prioritizing Privacy Paranoia over Patient Care, BYU L Rev (2016)
- Anthony et al., Institutionalizing HIPAA Compliance, J Health & Social Behavior (2014)

General requirements and expectations for the course:

Each module of this course requires viewing of an online pre-recorded lecture, reading a posted journal article, evaluating a legal case study, participation in the discussion board, and a module exam.

Upon completion of all modules, students must take a proctored comprehensive exam.

Final Examination or Final Project Date:

There is no final exam. However, there is a proctored comprehensive exam that must be taken once the course modules have been completed.

Grading Scale and Grading Policies: Attendance and Absence policies.

The final grade in this course will be comprised of:

Ten Unit Exams	40%
Comprehensive Exam	30%
Class Participation	20%
Case Study Assessments	10%

Grading:

- A: 90-100
- B: 80-89
- C: 70-79
- D: 60-69
- F: <60

Students who miss exams or class participation may request an excused absence, which will be granted by the course instructor if warranted. Students who develop conflicts that prohibit their completion of 25% or more of course material should withdraw from the course. Students who satisfactorily complete 75% or more of the course material, and who cannot complete the balance within the confines of the course schedule, may be granted an incomplete, and missing coursework must be completed by the end of the following term.

Satisfactory participation in this course requires active posting on the course discussion board for each module (minimum of two posts per module), completion of the module exams, and completion of the proctored cumulative exam.

Classroom Behavior Policy

At all times, treat your presence in the classroom (discussion board) and your enrollment in this course as you would a job. Act professionally, pay attention to instructions and to your student colleagues, complete your work in a timely and professional manner, and treat all deadlines seriously. You will be respectful towards you classmates and instructor. Spirited debate and disagreement are to be expected in any classroom and all views will be heard fully, but at all times we will behave civilly and with respect towards one another. Personal attacks, offensive language, name-calling, and dismissive gestures are not warranted in a learning atmosphere. As the instructor, I have the right to dismiss you from the classroom, study sessions, electronic forums, and other areas where disruptive behavior occurs.

Classroom Statement on Diversity:

The University of Wyoming values an educational environment that is diverse, equitable, and inclusive. The diversity that students and faculty bring to class, including age, country of origin, culture, disability, economic class, ethnicity, gender identity, immigration status, linguistic, political affiliation, race, religion, sexual orientation, veteran status, worldview, and other social and cultural diversity is valued, respected, and considered a resource for learning.

Disability Support:

The University of Wyoming is committed to providing equitable access to learning opportunities for all students. If you have a disability, including but not limited to physical, learning, sensory or psychological disabilities, and would like to request accommodations in this course due to your disability, , please register with and provide documentation of your disability as soon as possible to Disability Support Services (DSS), Room 128 Knight Hall. You may also contact DSS at (307) 766-3073 or udss@uwyo.edu. It is in the student's best interest to request accommodations within the first week of classes, understanding that accommodations are not retroactive. Visit the DSS website for more information at: www.uwyo.edu/udss

Academic Dishonesty Policies:

Academic dishonesty will not be tolerated in this class. Cases of academic dishonesty will be treated in accordance with UW Regulation 2-114. The penalties for academic dishonesty can include, at my discretion, an “F” on an exam, an “F” on the class component exercise, and/or an “F” in the entire course. Academic dishonesty means anything that represents someone else’s ideas as your own without attribution. It is intellectual theft – stealing - and includes (but is not limited to) unapproved assistance on examinations, plagiarism (use of any amount of another person’s writings, blog posts, publications, and other materials without attributing that material to that person with citations), or fabrication of referenced information. Facilitation of another person’s academic dishonesty is also considered academic dishonesty and will be treated identically.

Duty to Report: Statement referring to your duty to report status as instructional personnel under Title IX.

UW faculty are committed to supporting students and upholding the University’s non-discrimination policy. Under Title IX, discrimination based upon sex and gender is prohibited. If you experience an incident of sex- or gender-based discrimination, we encourage you to report it. While you may talk to a faculty member, understand that as a "Responsible Employee" of the University, the faculty member **MUST** report information you share about the incident to the university’s Title IX Coordinator (you may choose whether you or anyone involved is identified by name). If you would like to speak with someone who may be able to afford you privacy or confidentiality, there are people who can meet with you. Faculty can help direct you or you may find info about UW policy and resources at <http://www.uwyo.edu/reportit>

You do not have to go through the experience alone. Assistance and resources are available, and you are not required to make a formal complaint or participate in an investigation to access them.

Substantive changes to syllabus:

Note: This syllabus is a guide. Circumstances may alter the reading and/or test schedules. You are required to check WyoCourses and your email at least once a week.

Student Resources:

DISABILITY SUPPORT SERVICES: udss@uwyo.edu, 766-3073, 128 Knight Hall, www.uwyo.edu/udss

COUNSELING CENTER: uccstaff@uwyo.edu, 766-2187, 766-8989 (After hours), 341 Knight Hall, www.uwyo.edu/ucc

ACADEMIC AFFAIRS: 766-4286, 312 Old Main, www.uwyo.edu/acadaffairs

DEAN OF STUDENTS OFFICE: dos@uwyo.edu, 766-3296, 128 Knight Hall, www.uwyo.edu/dos

UW POLICE DEPARTMENT: uwpd@uwyo.edu, 766-5179, 1426 E Flint St, www.uwyo.edu/uwpd

STUDENT CODE OF CONDUCT WEBSITE: www.uwyo.edu/dos/conduct

Schedule of topics, activities, and assessment methods:

Module	Topic	Recorded Lectures	Assigned Articles	Assessment
I	A Tradition of Patient Confidentiality in Pharmacy	Foundations of Patient Confidentiality in Pharmacy & Healthcare	McCarthy, Ethics and Patient Privacy, JAPhA (2008)	Discussion Bd Case Study Module Exam
II	State Regulation of Patient Privacy	Professional Self-Regulation and the Patient's Right of Confidentiality	Tendam, The HIPAA-Pota-Mess: How HIPAA's Weak Enforcement Standards Have Led States to Create Confusing Medical Privacy Remedies, Ohio State L Rev (2018)	Discussion Bd Case Study Module Exam
III	The Basic HIPAA Regulatory Structure	The Necessity for Federal Regulation of Patient Privacy	Cohen and Mello, HIPAA & PHI in the 21 st Century, JAMA (2018)	Discussion Bd Case Study Module Exam
IV	Patient Rights Under HIPAA	Preserving Patient Control of Health Care Information	Lo and Alpers, Uses and Abuses of Prescription Drug Information in Pharmacy Benefits Management Programs, JAMA (2000)	Discussion Bd Case Study Module Exam
V	Applicability of HIPAA to Health Data and Practices	The Policies and Procedures mandated by HIPAA Regulations	Agris and Spandorfer, HIPAA Compliance and Training: A Perfect Storm for Professionalism Education? J Law Med Ethics (2016)	Discussion Bd Case Study Module Exam
VI	Adapting Patient Care to HIPAA Restrictions	Integrating HIPAA into Healthcare Systems	Marting, HIPAA Answers to Your Frequently Asked Questions. Family Practice Mgt (2018)	Discussion Bd Case Study Module Exam
VII	Incorporating HIPAA Rules into Patient Care Practices	Overcoming Barriers to Healthcare Presented by HIPAA Rules	Berwick and Grimes, How HIPAA Harms Care, and How to Stop It, JAMA (2018)	Discussion Bd Case Study Module Exam
VIII	Common HIPAA Violations	HIPAA Challenges in an Era of Electronic Communication	Ratliff, HIPAA Violations on Social Media-Will HHS Continue to Ignore? U Mem Law Rev (2015)	Discussion Bd Case Study Module Exam
IX	HIPAA Compliance Strategies	HIPAA Compliance is a Serious Responsibility that Cannot be "Gamed"	Wilkes, The Creation of HIPAA Culture: Prioritizing Privacy Paranoia over Patient Care, BYU L Rev (2016)	Discussion Bd Case Study Module Exam
X	Audits and Remediation for HIPAA Compliance	Identifying and Addressing HIPAA Violations	Anthony et al., Institutionalizing HIPAA Compliance, J Health & Social Behavior (2014)	Discussion Bd Case Study Module Exam
Comp Exam				Proctored Comp Exam

Discussion Board (Class) Preparation/Participation

Grading Rubric

(20% of Grade)

	Excellent (A)	Good (B)	Inadequate (C)
Contributions	Consistently initiates useful and relevant ideas when participating in the discussion board. A definite leader who contributes major effort and who makes class discussions better.	Usually provides useful ideas when participating in classroom discussion board. A strong student who tries hard but is more of a follower than a leader in discussions.	Inconsistent in providing relevant comments on discussion board. Fails to initiate new threads that stimulate participation by other students.
Attitude	Always respectful of others; has a positive attitude, and does not rudely criticize anyone else's ideas or work. Other students feel safe responding to this student's posts.	Occasionally becomes impatient with ideas or work of others. Usually has a positive attitude toward discussions. Usually treats others and self with respect.	On more than one occasion becomes disrespectful of ideas expressed by others, using insults rather than evidence to express contrary views.
Preparedness & Focus	Consistently stays focused on subject matter assigned for discussion board and achieves identified outcomes. Self-directed and highly motivated. Postings help with understanding of assigned materials.	Usually posts comments that are related to course materials, but occasionally rambles about subjects that are not relevant to the course.	Postings to discussion board are based on general knowledge and common sense, rather than on materials assigned for course.
Quality of Work	Provides work of the highest insight that motivates other students to achieve at a high level.	Provides quality work that is interesting but not consistently insightful.	Does work that reflects little understanding of the course material.

Case Study Assessment Presentation
Grading Rubric
(10% of Grade)

	Excellent (A)	Adequate (B)	Inadequate (C)
Content Knowledge	Student demonstrates full knowledge (more than required) with explanations and elaboration.	Student is at ease with content, but fails to elaborate with insightful comments.	Student is uncomfortable with information and addresses only rudimentary questions.
Organization	Student presents information in logical, interesting sequence which audience can follow.	Student presents information in logical sequence which audience can follow.	Audience has difficulty following presentation because student jumps around.
Delivery	Student uses a clear voice and correct, precise pronunciation of terms.	Student's voice is clear. Student pronounces most words correctly.	Student incorrectly pronounces terms. Audience members have difficulty understanding presentation.
Mechanics of Slide Show Preparation	Presentation slides are highly polished; no grammar or spelling errors.	Presentation is clear; yet there are several grammatical or other errors in slides.	Presentation is poorly designed with slides that do not facilitate audience appreciation of the subject.