



# UNOCH NEWS



## Nurses and Technicians Beware The HIPAA/ HITECH Laws are Now Being Strictly Enforced.

By Jim Cunningham, Hayes & Cunningham, LLP

A new law called HITECH provides for a more efficient medical information delivery system using electronic transfer of medical records and information. HITECH also enacts strict regulations and severe criminal and civil penalties for unauthorized disclosures of confidential information. This law has a much broader interpretation of a "business associate," that is, people who are subject to HIPAA compliance and its reporting requirements. Enforcement has already been ramped up with the over \$100,000,000 in fines identified by the federal government in the first thirty (30) days of the new HITECH regulations. The fines collected will be used to fund a new governmental agency formed to provide assistance to patients who believe their privacy rights have been violated.

HIPAA's privacy requirements are intended to guarantee medical privacy and to protect against the misuse or unauthorized disclosure of Protected Health Information (PHI). PHI refers to the information that is sensitive and should only be shared with authorized individuals. If you have access to PHI, you may share information with physicians and office staff, hospitals, or other treatment facilities for reasons of Treatment, Payment or Healthcare Operations (TPO). When in doubt about compliance, it is imperative to relay your concerns to the Facility Privacy Officer (FPO), or HIPAA Compliance Office (HCO). This individual is assigned to handle all of the patient sensitive information. If they cannot be contacted at the moment it is recommended to contact your facility

supervisor on duty and notify them of the situation and document these actions accordingly.

In the event that a telephone inquiry or solicitation is made, identify the person and determine if the caller is authorized to receive the information. If the caller is not authorized to receive the information or has not had clearance by the patient, do not disclose any information. If the patient has opted out, no information should be given under any circumstance.

People requesting information by telephone need to provide the individual's social security number, date of birth and one of the following: account number, street address, medical record number, birth certificate, insurance card, or policy number. Even if a physician is calling on the physician's own patient, the practitioner must exercise caution to verify that the physician is the one who is entitled to the information. The Facility Privacy Officer (FPO) or HIPAA Compliance Officer (HCO) must maintain a complaint and violation log. All privacy complaints and violations must be documented by the FPO or HCO.

**The facility cannot retaliate against an employee who reports possible or actual violations of HIPAA or HITECH.** If you are accused of, or being investigated for, a violation of HIPAA, please notify UNOCH immediately to receive advice and direction on how to respond to the allegations. While we will vigorously object to nurses and technicians being held personally liable for fines if the alleged violations occurred within the course and scope of employment, there can be no assurance that the facility or Government will see it that way.





## Announcements

**NEXT  
MEMBERS'  
MEETING:  
TUESDAY  
MAY 11, 2010  
6:00 PM  
DINING  
ROOMS**



**Health Care  
Week  
May 6 - May 12  
National Nurses'  
Day May 12**



**LOOK FOR  
BENEFITS  
OPEN  
ENROLLMENT  
MAY 24th -  
JUNE 4th**

## Technical Division Negotiations

UNOCH has started negotiating with RCHSD. This is usually a three to four month process that ends in early July with the ratification of a new Collective Bargaining Agreement (CBA) between UNOCH and RCHSD- in this case for the Technical Division.

We start by introducing proposals for the non-economic portion of the CBA- articles such as Recognition, Discipline, Policies, etc.- and then progress to the economic proposals at the end. The current CBA expires on June 30, 2010.

Our first meeting was amicable. We discussed various non-economic issues including the grievance procedure, adding several "letters of understanding" into the text of the CBA, and discipline.

These items were proposed to RCHSD and we are waiting for their response. We will continue with this non-economic portion until the items present are agreed upon and then progress to economics.

It is important to note that all Tentative Agreements (TA's) are just that- *tentative*, until the entire agreement is ratified by the UNOCH membership, Technical Division.



UNOCH Negot. Team at work in the UNOCH offices.

## Mandatory Influenza Vaccine Policy/ Attendance / Sick Leave Arbitration

**August 16 and 17  
September 21 and 22**

Finally, after many months of delays, we have arbitration dates for the Mandatory Influenza Vaccine Policy, and the four new policies that were unilaterally implemented by RCHSD last December.

(503: Sick Leave, 813: Attendance, 502: Paid Leave), 401: Timekeeping).

The arbitration will be divided into two main sections:

1. The August dates are to determine whether the Hospital violated the CBA when it adopted and implemented the Mandatory Influenza Policy.
2. The September dates are to address the four separate policies- numbers 401, 502, 503, and 813; and all grievances to be determined in reference to these policies.

UNOCH keep you posted with newsletter updates and E-BLASTS.



The Collective Bargaining Agreements are now located under the Members' Only section of the UNOCH website. If you have given us your e-mail address you are all set to register- just follow the directions on the home page and you'll be set!

# Is it Still OK to Care?

*"How very little can be done under the spirit of fear."*

Florence Nightingale



Recently UNOCH prevailed in yet another grievance involving an employee accused of violating the "Boundaries" Policy. UNOCH filed a grievance after RCHSD discharged a nurse for coming in on her day off and sitting with a dying patient. At mediation, UNOCH convinced RCHSD to provide the nurse with *every remedy she wanted*.

However, the nurse decided that she could not work for a hospital that punishes its own employees for caring too much about their patients.



Ever since a respiratory therapist was arrested and convicted of child molestation three years ago, RCHSD has been run by risk manage-

ment and human resources personnel rather than healthcare practitioners. This nurse rejected this dysfunctional culture of suspicion and the rigid rules that strip the humanity from healthcare professionals.

It is true that we all need to be cognizant of past events and be more vigilant. But the caregivers at RCHSD are not robots. Nor do we want to be. UNOCH will continue to represent our members when they are unjustly accused or wrongfully suspected of committing some crime merely because they allowed their humanity to show.

UNOCH wants you to know it's still okay to care.



## Health Care Week May 6, 2010 - May 12, 2010

UNOCH would like to recognize all of our members for their terrific work!

### Health Care Images Through History...



pharmacy



Vietnam War Nurse Memorial Washington,



### Happy Nurse's Day May 12th



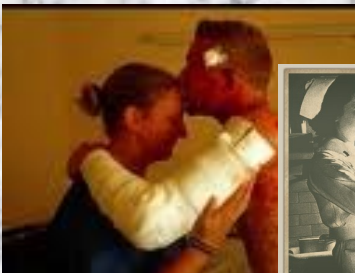
Lab Techs



WW II Army Nurse



Respiratory Therapy



U.S. Military Nurses, Iraq



Surgical Techs today and in the 1950's



UNOCH  
8170 La Mesa Blvd.  
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«3246»



REMEMBER UNOCH ONLY HAS

**10 DAYS**

TO FILE A GRIEVANCE FOR YOU

CONTACT UNOCH

(619) 697-5099 UNOCH@HOTMAIL.COM