FAQ: Medical Professional Responsibilities

Question 1: What physical safeguards are needed to protect confidential information?

Answer 1: Examples of physical safeguards for the protection of confidential medical information can include the following:

- Securing medical records area and restricting area access
- Locating medical records away from high traffic areas
- Immediately removing and taking paper generated by fax machines and photocopiers to a secure area
- Shredding or securely storing out-of-date forms and reports until proper disposal
- Securing file cabinets and other containers with patient information at all times
- Locating computers in secure areas and using password-protected screensavers

Question 2: How can medical professionals maintain integrity during an investigation?

Answer 2: The following are examples of ways to maintain integrity during an investigation:

- Follow all rules regarding patient confidentiality at all times.
- Always act in a professional manner.
- Be truthful and honest regardless of perceived fears.
- Remember rules and regulations when performing daily duties.
- Maintain interpersonal relationships with coworkers based on ethics and professionalism.

Question 3: How does one manage disclosure of confidential information?

Answer 3: The following are examples of an appropriate approach and response:

- Acknowledge the request.
- Explain confidentiality guidelines.
- Inform the individual that you are unable to share confidential information at that time.
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- Suggest to requester to obtain written consent from patient.

**Question 4: What is HIPAA, and what are some legal consequences of improper disclosure?**

**Answer 4:** HIPAA is the acronym for Health Insurance Portability and Accountability Act. The 1996 act limits insurance companies from denying insurance coverage to applicants due to preexisting conditions (Humphrey, 2004).

Consequences of improper disclosure can include the following:

- Monetary fines of up to $100 per occurrence
- Criminal sanctions resulting in fines of $50,000 to $250,000
- Criminal sanctions resulting in imprisonment from 1 to 10 years

**Question 5: What should be done when confidential information is received from an inappropriate source?**

**Answer 5:** Medical professionals cannot always control from where medical information is received. If confidential information is received improperly, it should immediately be reported to the office’s privacy officer. The privacy officer can implement the office policy regarding confidentiality.

**Question 6: What is tort reform?**

**Answer 6:** The term *tort reform* refers to the political initiative of reducing general and medical malpractice claims (usually against medical or health related entities) and limiting the resulting monetary damages in the United States.

**Question 7: Which organizations advocate for protection of the medical industry from legal issues or tort reform?**

**Answer 7:** Two examples are the American Tort Reform Association (ATRA) and the American Medical Association (AMA). The ATRA advocates for concrete limits on awards arising from medical liability cases and actively promotes recommendations for plaintiffs’ burden of proof in filing these
cases. The AMA actively lobbies for various reforms including physician liability or tort reform.

Reference