

**Course Objectives/Course Outline
Spokane Community College**

Course Title: Legal Concepts in Health

Prefix and Course Number: HIM 105

Course Learning Outcomes:

By the end of this course, a student should be able to:

- Collect and maintain health data (such as data elements, data sets, and databases)
- Adhere to the legal and regulatory requirements related to the health information infrastructure
- Apply policies and procedures for access and disclosure of personal health information.
- Release patient-specific data to authorized users
- Apply and promote ethical standards of practice
- Use specialized software in the completion of HIM processes such as record tracking, release of information, coding, grouping, registries, billing, quality improvement, and imaging
- Query and generate reports to facilitate information retrieval using appropriate software

Course Outline:

I. Data Analysis and Management

- A. Describe primary and secondary health information uses
- B. Explain the process of reporting data for registries

II. Compliance

- A. Identify documentation standards for the health record
- B. Demonstrate how to verify a valid release of information, log a release of information, and indicate which documents would be released
- C. Describe how policies and procedures are necessary to ensure the security and maintenance of the health record
- D. Describe the programs in place to help eliminate fraud and abuse
- E. Explain how audit trails ensure the security of the health record
- F. Explain the steps of the credentialing process

III. Information Technology

- A. Explain the difference between human, natural, and environmental threats
- B. List the various access controls and describe how access controls ensure the security of the health
- C. Describe a data backup and recovery plan

IV. Quality

- A. Describe how the national practitioner data bank plays a part in credentialing

V. Legal

- A. List and describe the safeguards necessary to ensure confidentiality of the health record
- B. Discuss the challenges of confidentiality of health information
- C. Explain breach of confidentiality
- D. Explain the patient-provider privilege principle
- E. Describe how HIPAA and HITECH have affected the confidentiality of health records
- F. Explain what is required by law to release and the process of releasing records when required by law
- G. Outline the core privacy rule documents and the minimum necessary rule

- H. List the required elements of a valid release of information. Describe when a release is required and when it is not
- I. Explain the breach notification process
- J. Describe the discovery, e-Discovery, discoverability, and admissibility methods
- K. Summarize the standards for releasing HIV/AIDS, drug and alcohol, and mental health records
- L. Explain when adoption, genetic, and deceased patient records can be released
- M. Describe duty to warn
- N. Discuss the role of HIM in ethical practices of protecting health information
- O. Explain how health information is used as evidence
- P. Describe a legal hold
- Q. Differentiate when information can be released for marketing, fundraising, and research
Record
- R. Describe EMTALA
- S. Describe spoliation
- T. Discuss the best evidence and hearsay rule
- U. Recognize the variation between the legal health record and the electronic health record and the elements necessary for data integrity
- V. Describe the record retention policy and penalties for noncompliance
- W. Describe documentation and maintenance standards for the health record. Identify the various retention periods
- X. Differentiate between the various statutes of limitations that apply to health records
- Y. Summarize the business record exception
- Z. Determine who owns and has control over the health record and the roles and responsibilities of the custodian of record
- AA. Show how to process a release of information request
- BB. Recognize who has access to patient health information
- CC. Explain ROI fees, tracing a release, and accounting of disclosures
- DD. State how incident reports and peer review records are maintained and protected
- EE. Describe what information is required for risk management reporting
- FF. Describe the risk management system
- GG. Explain risk analysis and the tools needed for a risk analysis
- HH. Explain how to determine and report sentinel events
- II. Distinguish between express and implied consent and what needs to be documented in the health record
- JJ. Discuss the components of informed consent
- KK. Describe an accounting of disclosure and how to process a request for amendment
- LL. Describe the use of a consent form to use or disclose PHI
- MM. Describe the different types of advance directives
- NN. Discuss the patient self-determination act
- OO. Identify the different types of consents and what should be documented
- PP. Describe a subpoena and explain the process for responding to a subpoena
- QQ. Describe the DPOA process for competent and incompetent patients
- RR. Explain the process of releasing health records with a court order and subpoena

VI. Knowledge Statement

- A. Explain challenges associated with the personal health record
- B. Distinguish between privacy, confidentiality, and security
- C. Differentiate between public law, private law, criminal law, and civil law
- D. Explain how to resolve conflict in law
- E. Summarize the court and appeals process
- F. Define the various types of alternative dispute resolution

- G. Differentiate between substantive and procedural law
- H. Describe the parties to a lawsuit
- I. Describe the pretrial procedures
- J. List and explain the steps in a trial
- K. List and explain the three types of damages
- L. Define res ipsa loquitur, respondeat superior
- M. Define and explain terms specific to tort law
- N. Define terms related to defamation
- O. Explain the HIPAA Privacy Rule
- P. Explain the HIPAA Security Rule
- Q. Explain how HITECH has changed the HIPAA Security Rule
- R. Explain how HITECH has changed the HIPAA Privacy Rule
- S. Explain Stark law
- T. Describe the red flag rule
- U. Describe the various components to the false claims act and fraud and abuse
- V. Describe the pay for performance incentives
- W. Explain what is required to report for quality measures
- X. Apply confidentiality guidelines when responding to health record requests
- Y. Apply confidentiality guidelines when responding to release of information
- Z. Explain what is required to report for credentialing
- AA. Define and describe ethical principles
- BB. Discuss professional ethical standards that apply to HIM
- CC. Discuss the role the Joint Commission has in the legal system