



# HIPAA and Paper Management



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# H2E Partnership Sponsors

- American Hospital Association
- American Nurses Association
- Health Care Without Harm
- U.S. Environmental Protection Agency



# Different Focuses Bring Strength

- The fiscally and health-conscious AHA
- The regulatory and pollution prevention focus of the EPA
- The worker health and safety-conscious and patient-centric view of the ANA
- The visionary HCWH

# H2E Goals



Virtually eliminate mercury use in healthcare (by year 2005)



Reduce total waste volume produced by the healthcare industry (50% by 2010)



Identify and minimize PBT chemicals and other hazardous substances in health care through the implementation of innovative environmental programs



# What's H2E's Angle on HIPAA?

- Making sure hospitals understand the hidden costs
- Providing guidance to healthcare on how to understand the waste management end of HIPAA
- Helping hospitals divert paper into recycling programs while still insuring confidentiality
- Helping hospitals increase their compliance rate (with HIPAA)



# OBJECTIVES:

- **Understand the basic requirements for information privacy under HIPAA;**
- **Assess your facility's readiness for compliance with HIPAA requirements;**
- **Develop and implement policies and procedures as they pertain to the "end-of-life" disposal and destruction of confidential paper documents.\***
- **Evaluate options for "end-of-life" disposal and destruction of confidential documents, and develop an environmentally responsible and fiscally prudent option for your facility.**





# HIPAA Standards

- **Requires that health care organizations establish written policies and procedures for implementation of privacy and security measures.**
- **DOES NOT dictate specific guidance on HOW health care facilities meet the standard**

# The problem...

- H2E identified that the lack of guidance was leading to misinterpretation of the guidelines
- Document destruction companies were calling the shots
- The next **very expensive** waste stream was being created as a result...





# H2E Objective

Assist health care facilities in meeting the intent of HIPAA in a manner that promotes environmental performance and that is financially responsible and sustainable.





# Develop Policies and Procedures

- **Key Players:**
  - Risk Management
  - Housekeeping/Facilities
  - Waste Manager
  - Medical Records, Human Resources, Information Resources, Others
- **Key Themes:**
  - reasonableness,
  - appropriate safeguards,
  - risk assessment,
  - inadvertent discovery



Define “Confidential”...

# Personal and Reporting Information

1. All patient care record and information which contains patient and/or practitioner identifying information, e.g. mental health records, medical records, practitioner referral slips, appointment records, research records, and records which may contain patient information, such as billing records
2. Peer review, quality management, performance improvement, utilization review, risk management documents, and credentialing information
3. Reports to regulatory agencies such as incident reports or reports of unusual occurrences, child abuse reports and other required protected reports, and some accreditation information
4. Employment documents, particularly letters of reference



# Documents Made Confidential by Agreement, Organizational Policy, or Practice

1. Documents containing proprietary information and trade secrets
2. Certain financial records of the corporations, including tax records
3. Business transaction agreements and records



# Documents Where Careless Disposal Could Jeopardize a Person's Privacy

1. Social security numbers with names, or addresses of the individual (or family members) who is the subject of the number
2. Members/patients' credit card numbers and personal financial data, including Medicare and Medicaid identifiers
3. Employee directories





# Paper Segregation and Compliance with HIPAA

In an attempt to control collection costs...

- Are you segregating confidential and non-confidential papers?
- Are you using locked bins?
- Do you have different types of bins?
- ...space constraints, creating gray areas of confusion, labor considerations...

**ASSESS YOUR COMPLIANCE – DO A WASTE AUDIT.**

# Universal Confidential Waste Approach...

- Consider commingling ALL paper
- Considerations
  - Is commingled paper recycling available in your area – adapt accordingly
  - Storage
- Disadvantages
  - If you're shredding on-site, there is more paper to shred, including newspaper and magazines
  - If you're using a document destruction company, this will be more expensive – so find an alternative







# COMMINGLED PAPER

## Cost Implications:

- Not necessarily more expensive...
  - Labor considerations
  - Ease of compliance with HIPAA

## Benefits

- Easier for generators
- Easier for waste handlers
- Fewer bin types,
- greater access...
- **SIGNIFICANT IMPROVEMENT IN PARTICIPATION IN HIPAA COMPLIANCE**

# Recycling as Destruction Method

- *Pulping* or Recycling is an effective way of destroying documents
- Biggest Challenge is finding a recycler/hauler that can meet criteria to provide secure handling...
- Recycling with a bonded/certified destruction service:
  - bonded recycler or directly to a bonded paper mill.
  - certificate of destruction



# Recycling as Destruction Method

- Recycling with a due diligence\* approach:
  - Audit facility to assess level of reasonable security.
  - If contracted recyclers handle and process paper in a manner that meets confidentiality standards for security, then the certificate of destruction may not be needed.
- Both require good relationship with hauler, annual audits, continuous assessment



# To Shred or Not to Shred

- That is the question...
- Shredding options
  - Desk side
  - Departmental
  - Large industrial
  - Document Destruction Companies
- Probably some combination, but...
- Shredding is expensive and may not be necessary in all areas if your recycling vendor provides secure services...



# Locked vs. Unlocked Bins

- Facility Assessment - appropriate level of “secure receptacles” necessary to minimize risk.
- Nature of the department and public/staff access will help determine whether containers can be open, lidded or covered, and/or locked.



# Advantages to locked bins:

- paper is secure from point of generation through point of destruction
- the facility can visually and systematically demonstrate to clients that an infrastructure exists to protect information security
- avoids the need to shred at point of generation





# Disadvantages to locked bins

- additional cost to purchase locking containers
- additional labor to collect paper from locked bins or swap out containers
- space needed to store locked bins, space needed to stage locked bins during collection
- finding and keeping track of keys for bins; need to decide if all bins should be keyed alike, or have multiple keys, multiple locks
- **Increased cost and labor considerations may limit access to confidential containers, consider whether staff compliance will decrease if participation is not easy and accessible.**

# Source Reduction

- Create less paper in the first place
- Work with Computer Services, Admitting, Lab, other generating departments to assess report distribution
- Double-sided copying
- Use HIPAA compliance as reason for imperative to reduce paper...





# Training and Education

- Generator compliance is key to successful compliance program
- Consider inclusion of compliance with confidential waste policy part of job description
- Clarify what happens when policies are violated
- Empower waste manager (and housekeepers) to problem solve



# HIPAA-COMPLIANT OFFICE PAPER RECYCLING PROGRAM

## A Case Study



Continuum Health Partners  
Environmental Services

**CONFIDENTIAL**



# Paper Destruction Process

- Contract with Metropolitan Paper, a Brooklyn paper recycler to bale material and ship overseas for recycling.
- Document of destruction from both the recycler and the mill overseas.
- HIPAA does not mandate shredding. Destruction of material is accomplished by pulverizing in the recycling process.



# How Does it Work?



- Employees segregate confidential and regular paper into the same blue recycling bins.
- Environmental Services removes the paper on a regular pick-up schedule.
- Patient-accessible bins are locked and inaccessible bins are unlocked.
- Final, locked storage bins are brought down to the dock/waste area on designated days for dumping into truck.
- Documentation of Destruction.
- Departmental shredding is okay.



# Collection Receptacles

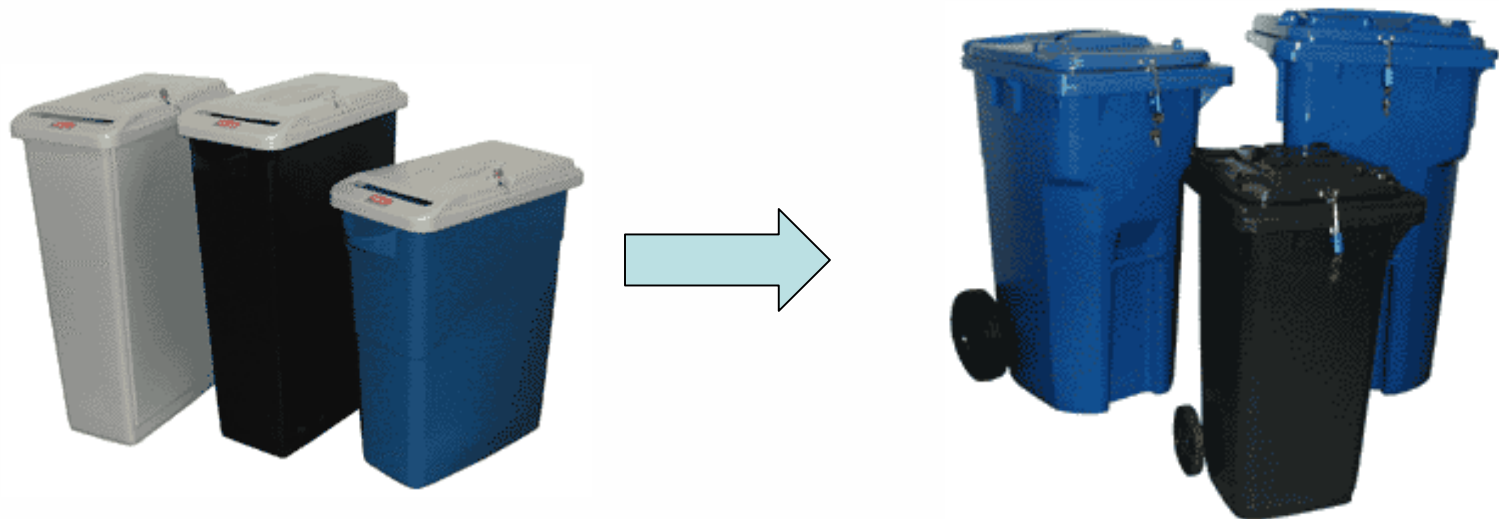


- 64 gallon wheeled cart - locked
- 32 gallon wheeled cart - locked
- 19 gallon open large - unlocked
- 16 gallon under desk bin - locked
- 12 gallon open crate - unlocked
- 28 quart open small - unlocked



# Small secure receptacle

- Nurses Stations, admitting and other accessible patient care areas.
- Would be serviced by housekeeping and dumped into larger bins in soiled utility rooms.



# When confidential bin is inaccessible to patients...

- Medication Rooms
- Charting Rooms
- Private offices
- Medical Records
- Laboratories
- Other



OR



# Where is Final Storage?

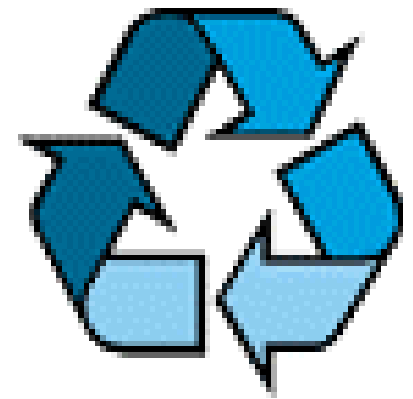
- Singer - Soiled Utility and Sub basement
- Petrie - Soiled Utility and Bernstein Yard
- KHD - Soiled Utility
- PACC - Service Core, Loading Dock and in some generating areas.
- St. Lukes - Soiled Utility and Scrymser Yard
- Roosevelt - Soiled Utility and Trash Room on loading dock





# Continuum In-house Program Costs

- \$50,000 in capital equipment for new recycling bins. (one time)
- \$500 for educational information, posters, stickers. (one-time)
- Approximately \$5,000 per hospital site per year for material destruction/recycling





# HIPAA Recycling Cost Avoidance by NOT going with a “HIPAA Vendor”

<u>Site</u>	<u># Bins/week</u>	<u>\$/bin</u>	<u>\$/Year</u>
St. Lukes	30*	\$35	\$54,600
Roosevelt	30	\$35	\$54,600
Singer	10	\$35	\$18,200
Petrie	50	\$35	\$91,000
PACC	20	\$35	\$36,400
KHD	8	\$35	\$14,560

Total:

**\$269,360/yr.**

# Employee Education

- Operations Meeting
- Chairmen's Meeting
- Nurse Manager Meeting
- Grand Rounds
- Posters - Boards on easels in Lobbies
- Medical Staff Bulletin/Connections
- HIPAA/Recycling Newsletter
- New Employee Orientation
- Core Competency Handbook



**Breaking News! Paper Recycling: It's not just good for the planet, it's THE LAW!**

**As part of HIPAA compliance, all Patient Health Information MUST be recycled!**

## NEW! Recycling Containers Updated

*Especially for patient accessible areas!*



## Street Beat

The employee on the street wants to know:  
**What exactly IS Patient Health Information?**

It's anything that contains:

- Patient name and/or address
- Names of relatives
- Names of employer(s)
- Birth date
- Telephone number, Fax number
- E-mail address
- Social security number
- Medical record number
- Health plan beneficiary number
- Account number
- Certificate and/or licence number
- Any vehicle or device serial number
- Web URL, Internet protocol address
- Finger or voice print
- Photographic images
- Any other unique identifying number, characteristic or code (whether generally available in the public realm or not)

## Ask Recycling Rita

Dear Rita,  
What kinds of paper can I recycle?  
-- Employee Ernie

Dear Ernie,  
You can recycle almost any type of office waste paper. It's easy--  
BOTH confidential (Patient Health Information) and regular  
recyclables can go into the very same bin. As a reminder, we recycle:

- |                               |                                       |
|-------------------------------|---------------------------------------|
| -Computer paper               | -Monitoring paper                     |
| -White and colored paper      | -Paper from Pyxis narcotics equipment |
| -Envelopes, Post-its          | -Newspapers, magazines, junk mail,    |
| -Forms                        | brochures, pamphlets                  |
| -Patient menus                | -Memos, file folders                  |
| -Paper medication information |                                       |

And don't worry, even though the bins are only locked in areas that are accessible to patients, all final storage bins will be locked and all paper will be destroyed in the paper recycling process.

But remember- napkins, brown paper bags, gloves, and disposable gowns are NOT recyclable!



**Do you Shred?**

It's still OK to leave  
bagged, shredded documents  
next to the bins for pick-up



# Sample posters



## PAPER RECYCLING



All Non-Confidential Office Paper AND Paper with Confidential Protected Health Information\* Goes Here!!

Remember, Continuum recycles all kinds of paper, including:

- White and colored office paper
- Forms, envelopes
- Newspapers, magazines
- Junk mail, brochures

### \* Protected Health Information includes:

- Patient name and/or address
- Names of relatives
- Names of employer(s)
- Birth date
- Telephone number, Fax number
- E-mail address
- Social security number
- Medical record number
- Health plan beneficiary number
- Account number
- Certificate and/or licence number
- Any vehicle or device serial number
- Web URL, Internet protocol address
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- Any other unique identifying number, characteristic or code (whether generally available in the public realm or not)

# Sample posters



# Compliance

- Environmental Services Supervisors
- Medical Waste Manager Rounds
- Reporting to the EOC under Hazardous Material and Waste Management Plan.



# HIPAA “Inspections”

- Not inspectors – “Privacy Specialists”
- HIPAA will not do random inspections, they respond to complaints
- The civil fines are for “reckless conduct” -- and form basis of common law on invasions of privacy
- Criminal Penalties for willfill and criminal conduct
- Not liable for inadvertent discovery!!!





# H2E HIPAA Resources

- H2E - HIPAA Guidance Document
- Sample Due Diligence / Annual Audit of Confidential Paper Recycling
- Sample Certificate of Destruction
- Sample Facility Assessment
- Sample Administrative Policy and Procedure Policy
- Sample Business Associate Guidelines
- H2E Listserv – your colleagues



# HIPAA

H2E has created a guidance document for health care providers.

## *H2E Guidance Document*

### Confidential Paper Document Disposal and Resource Conservation In Compliance with the Health Insurance Portability and Accountability Act (HIPAA) OF 2002

*H2E Objectives in Meeting HIPAA Compliance:*  
The Hospitals for a Healthy Environment program attempts to help health care facilities meet the intent of HIPAA in a manner that promotes environmental performance and that is financially responsible and sustainable. This document is to be used by H2E Partners as a tool to help develop policies and procedures to perform their own facility assessments to secure confidentiality.

\* This document focuses on paper destruction. Attachment A includes a table briefly describing electronic media data destruction alternatives.

*Disclaimer: The suggestions outlined in this and other H2E HIPAA documents are not legally binding but are intended as guidance documents.*

HIPAA Standards require health care organizations to establish written policies and procedures, as well as security measures to protect the privacy of patient information as they pertain to the "end-of-life" disposal and destruction of confidential paper documents.\* The purpose of this guidance is to help you:

- Understand the basic requirements for protecting privacy of confidential documents under HIPAA;
- Assess your facility's confidential paper disposal/destruction program's readiness for compliance with HIPAA requirements;
- Evaluate options for "end-of-life" disposal and destruction of confidential documents, and develop an environmentally responsible and fiscally prudent option for your facility;
- Develop and implement policies and procedures as they pertain to the "end-of-life" disposal and destruction of confidential paper documents.

#### Document Outline:

#### I. Understanding HIPAA and Document Destruction Options

- What documents are protected by HIPAA?
- What HIPAA says and doesn't say about the management and disposal/destruction of confidential paper
- Confidential document destruction options

*Attachment B: Sample Certificate of Destruction*  
*Attachment C: Due Diligence - Annual Audit of Confidential Paper Recycling*

#### II. Perform a facility assessment

- Perform a facility assessment to help determine policy and procedural requirements, operations and infrastructure requirements
- Develop facility-wide policy for compliance with confidential material disposal guidelines
- Policy worker codes of conduct concerning violations of policy

*Attachment D: Sample Facility Assessment*

#### III. Developing and Implement Policies and Procedures

- Develop chain of custody policies and procedures from point of origin to confirmation of point of destruction, include specific responsibilities for generator, handler, staff at points of transfer, haulers and/or recyclers.
- Considerations for choosing a vendor

*Attachment E: Considerations of Shredding On-site*  
*Attachment F: Sample Administrative Policy and Procedures*  
*Attachment G: Sample Confidentiality Agreement facility and vendor*  
*Attachment H: Sample "General Terms and Conditions" with facility and vendor*



# HIPAA and Paper Recycling



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