

When patient
confidentiality is
violated



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There is nothing more tragic when a patient's healthcare confidentiality, security, and medical records have been unlawfully violated. When this happens the ripple, effect causes grave consequences for health care professionals, hospitals, insurance companies, and most importantly the patients that are being served. When patient's seek help because they are experiencing a medical emergency, they are at their most vulnerable state physically and emotionally. There is a brief scenario that illustrates what can happen when patient confidentiality is violated. Outlined are the laws that protect patient confidentiality and security. There is the recommendation of what should have been appropriate in providing patient care. There are some advantages of using technology when providing patient care. This scenario should not occur, this is a reminder that it is the responsibility of all healthcare professionals to protect the confidentiality of patients receiving care.

A celebrity was brought to a hospital because of a car accident. A nurse took advantage of the celebrity that was unconscious. They used their phone and took pictures of the celebrity while they were unconscious, rearranged the celebrity's clothes taking pictures and texting pictures to a friend outside of hospital. The nurse accessed the celebrity's personal information and demographic information from their electronic health record. The unsecured phone was then sat down for a few minutes. Which led to the conclusion of receiving a message the next morning from a peer at work, there is a big investigation being conducted at work due to a HIPAA violation. That it involved a celebrity who had been admitted to the hospital. The word is that the legal action is being taken against the hospital due to some photos that

were sold to the gossip Gazette. Knowing that the photo you sent is safe with your best friend, you reach for your smartphone, but is nowhere to be found.

There are legal aspects of maintain patient confidentiality, the Health Insurance Portability and Accountability Act, HIPAA), of 1996 is a federal law enacted to maintain the privacy and security of patient data information. Typically, this information is collected by hospitals, physician practices, insurance companies, research facilities, and the federal government. According to McGonigle and Mastrian (2015), “ HIPAA was enacted for several purposes better portability of health insurance as a worker moved from one job to another; deterrence of fraud, abuse, and waste with the healthcare delivery system” (p. 154). Another piece of legislation that provides patient security of information is the federal Health Information Technology for Economic and Clinical Health Act of 2009 also known as HITECH Act (McGonigle & Mastrian, 2015, p. 148). These two acts provide the major laws that provide patient confidentiality, while being able to use some information that are not associated with patient identifiers for obtaining federal financial funding. According to Thorpe, Gray, & Cartwright-Smith (2016),” HITECH authorized substantial financial incentives for eligible Medicare-and Medicaid-participating professionals and hospitals demonstrating” (p. 596). This system is not perfect with the financial commitment. There are some limitations regarding provider communities that are longer or post-acute regarding there eligibility to receive incentives (Thorpe et al., 2016, p. 596). This is a start for trying to encourage shared information technology and healthcare data management resources. The important aspect is that it provides a framework for maintaining patient

security and confidentiality. Violation of patient's confidentiality without having the approved documentation can result in legal persecution for organizations and individuals.

The recommendation relating to the scenario this situation should not have occurred; health care professionals take an oath to protect the privacy of patients that we serve. All patients should be treated equally when they come to any health care organization for services. The celebrity should have been treated promptly with an assessment performed upon their arrival. There should be no taking pictures of patient's or texting of patient's in their compromised conditions. Personal information of patient's should not be dispersed without the proper authorization. Patient electronic record should only be accessed in relationship to the treatment that they are receiving, and this information should be kept confidential. If managers are made aware that pictures were taken that employee is responsible for deleting or removing pictures from any social media. Personal phones should not be used during work hours. Employees should be assigned a phone that is used to contact them, and they can access scholarly websites pertaining to health care related business. Any violations too patient's privacy has severe consequences that can result in termination of employment, criminal, civil litigation.

The advantage of using technology is to have access to information and research that is applicable to patient conditions or treatment. Data that is collected can help reduce healthcare cost and expenses. Technology can be helpful in education communities about health-related issues and healing modalities. the latest treatments protocols or to look up possible medication

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interactions. According to Alexandru, Radu, and Bizon (2018), “ the disease causes can be better understood, and the more adequate treatments can be given to rapid identify patients, which have a big risk of disease” (p. 45).

Information sharing is great when it is saving lives and improving the quality of life. The release of some patient information can be damaging or can defame the personal character of a patient when a security breach occurs. This is when information of individuals should be secure until permission to share is granted by the patient.

The use of technology is important in healthcare it helps to maintain a standardization of care. Social media Facebook , Instagram, Myspace, Twitter, LinkedIn should not be used in a professional environment.

Information technology pertaining to patient’s and treatments should come from a scholarly source that supports evidence base practice. The database that maintains patient information should always be kept private and secured . This information should only be given to other individuals with the approval of the patient documenting this approval. Health care professionals have an obligation to protect patients when they are at their most vulnerable experiencing a medical crisis.

References

- Alexandru, A. G., Radu, I. M., & Bizon, M. L. (2018). Big Data in Healthcare – Opportunities and Challenges . *Informatica Economica* , 22(2), 43-54.
- McGonigle, D., & Mastrian, K. G. (2015). Nursing informatics and the foundation of knowledge (3rd ed.). Burlington, MA: Jones & Barlett Learning.

- Thorpe, J. H., Gray, E. A., & Cartwright-Smith, L. (2016). Show Us the Data: The Critical Role Health Information Plays in Health System Transformation. *Journal of Law, Medicine & Ethics* , 44(4), 592- 597.