

In the Know

The Inservice Club for Nursing Assistants

Confidentiality means:

- **Your clients and your coworkers expect you to keep their personal information to yourself... and you expect the same from them.**
- **That you must remember to guard information about your clients as you go through your daily work. It is easy to break confidentiality if you're not careful.**
- **That when you keep personal information safe, your clients come to trust you. This trust is an important part of your relationship with your clients.**
- **Health care organizations must promise clients that their medical information will be kept safe. This promise is included in the Patient's Bill of Rights in all health care facilities. Be sure you understand the Patient's Bill of Rights where you work.**

Maintaining Confidentiality

As a health care worker, you are trusted each day with confidential information about your clients. They feel safe telling you personal details about their lives and their health because they know you will keep it to yourself.



As a nursing assistant, you spend more time with your clients than anyone else on the health care team. This helps you develop a close relationship with your clients. They come to trust you with their personal information—believing that you will keep it to yourself.

Now, be honest. Have you ever discussed a client's private information with your family or laughed about a client with a group of coworkers? Most health care workers would probably answer "yes".



Even if it seems harmless, talking about your clients in a public place or to people who aren't involved in their care breaks the trust your clients have put in you. Health care workers who break confidentiality can lose their jobs and can even find themselves in a lawsuit!

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Four Easy Ways to Break Confidentiality (And How to Avoid Them!)

There are a few common ways that health care workers break their clients' trust without really meaning to. See if you can spot the mistakes these nursing aides made:



1. A client, Mrs. Jones, had been unconscious for several weeks. Two aides, Sally and Mary, were working together to bathe Mrs. Jones. During the bath, Sally told Mary that she heard the doctor say Mrs. Jones will die soon.

(Please don't talk about your clients in their rooms, even if they are unconscious or asleep. You don't know what your clients might be able to hear.)

2. During a lunch break with five other nursing assistants, Jim told a story about his client, Mr. Smith. Jim said Mr. Smith was very forgetful and kept trying to eat his dinner with a toothbrush instead of a fork. The whole group laughed at Jim's story.

(Even if it seems like a harmless story, please don't talk about your clients to other employees—unless they are part of the client's health care team. And then, do it in private, not at lunch. Remember...if Mr. Smith were your father, would you want a bunch of people laughing at him?)



3. Susan's new client, Mrs. Brown, was a friend of Susan's neighbor. Susan told her neighbor that Mrs. Brown was pretty sick and would probably enjoy a visit.

(Even if you mean well, please don't discuss your patients with anyone outside of work, even your friends and family. They have no business knowing the names or condition of your clients.)



4. John had been caring for Mr. Carter for several weeks. Mr. Carter's daughter visited and asked John if her father's blood pressure was okay. John told her that Mr. Carter's pressure had been high recently because Mr. Carter was eating too many salty potato chips.

(If your clients or their families ask you about the client's condition, tell them to ask your supervisor or the doctor instead of answering yourself.)

What's the bottom line?

Remember to THINK before you speak and RESPECT the privacy of your clients.

Terms You Should Know

Confidential Information:

- Is told in secret
- Involves private or secret matters



All personal information about your clients is confidential whether it is about their health, their living situation, their family or their finances. Be sure to keep what you hear about your clients to yourself!

Privacy:

- Surrounds personal affairs
- Includes information that is not for public view

Privacy is a basic right of all Americans. As a health care worker, you have a responsibility to respect the privacy of all your clients and your coworkers. And, you have the right to expect that your privacy will be respected.



Medical Record:

- A permanent written record of a client's medical treatment.
- A legal document containing confidential communication about the client.

You may be asked to write in a client's medical record. Or, you may fill out daily activity sheets for your clients that become part of the client's chart. Either way, this information is confidential!

Patient/Resident Bill of Rights:

- A listing of the rights and responsibilities of people who are admitted to healthcare organizations.
- Confidentiality is one of the basic rights listed on the Patient Bill of Rights.



All health care organizations—including hospitals, nursing homes, home care agencies, hospices and assisted living facilities—have their own “bill of rights” for clients. Be sure you know the Bill of Rights for your workplace.

Have You Heard About Medical ID Numbers?

In 1996, Congress passed a law ordering the U.S. Department of Health to give all Americans a special Medical ID Number. This number would be different for each person, just like a Social Security Number. The plan is to save each person's entire medical history in a computer. Then, health professionals would be able to find out all about their patients by putting the Medical ID Number in the computer.



But, some people think it will cause problems with confidentiality. They feel that private medical information might be seen by people who have *no* business seeing it—like insurance billers. Some people worry that patients will stop telling their doctors everything because they won't want their whole private life on a computer.

What do you think?



Many doctors think this is a good idea since it will make it easier for them to learn about a new client. Insurance companies think it's great, too, because it will be easier to keep track of patients.

The Impact of Genetic Testing on Confidentiality

Did you know that there are a number of diseases for which a genetic test can be done? For example: *Mary's mother died from breast cancer. Mary learned about a blood test that will tell her if she has the "breast cancer gene". Mary really wanted to know if she is likely to get the disease, so she had the test. Unfortunately, the test showed that Mary does have the breast cancer gene. Her health insurance company found out and threatened to cancel her health insurance policy. Recently, Mary applied for a new job. The people there found out that she is likely to develop breast cancer and now they don't want to hire her.* There are many people who would like to have genetic testing but are afraid it will affect their lives like it did Mary's.

**Do you see how important it is to keep
medical information confidential?**



Maintaining Confidentiality in the 21st Century

We live in the “Computer Age”. Information is easy to come by—even when it’s supposed to be confidential. Consider the ways that confidentiality has been broken by people using computers:

- Bill was worried that he might be HIV positive, so he bought a home testing kit over the phone using his credit card. The credit card company sold information about Bill’s purchasing patterns and now—because he bought the testing kit—he is on a list of HIV positive people (even though he tested negative on the HIV test).

- **One solution: Purchase sensitive testing material with cash.**



- The March of Dimes decided to register all children born with birth defects so they would know how many kids were born with each kind of defect. The March of Dimes checked with hospitals and made lists of all babies born with birth defects. The problem? The children were put on the list without their parents’ permission.

- **One solution: Get permission before obtaining any medical information.**



- Susan had been divorced for several years when she realized that alcohol had become a problem for her. She got treatment for her alcohol addiction and got a great new job. Then, her ex-husband, David, sued her for custody of their son. Before the court date, David managed to “break” into Susan’s computer and read emails that Susan had written to her family about her alcohol treatment. He used this information against her in court and the judge gave him full custody of their son.

- **One solution: Don’t write anything in an email that you wouldn’t want the whole world to know!**



Be sure you know your workplace policy about maintaining confidentiality... if and when you use computers for medical information, client care and/or email.

Tips for Maintaining Confidentiality

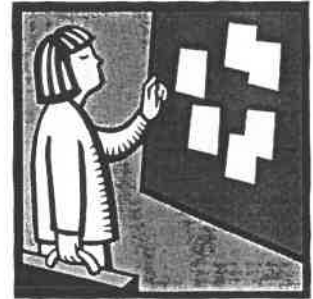
- Be aware of who is around you whenever you speak about a client. Remember that you are responsible for what you say, and that health care workers have been sued for saying the wrong thing at the wrong time!
- If you leave messages about your clients on an answering machine or a voice mail system, be careful what you say. You never know who might hear the message.
- All medical information is confidential, especially about a client with HIV. Every state has laws about how to handle HIV information. Be sure you know what the law is in your state. Ask your supervisor for more information.
- Think of your clients' medical information as something they own. You wouldn't take a client's clothes and pass them around to other people. So, don't pass around a client's private information either.
- Be careful if you use a cellular telephone during your work day. When you talk on a cell phone, your conversation might be picked up by strangers. Never give a client's full name or address over a cell telephone.
- Remember that each client's chart—or medical record—belongs to your workplace. The medical record must be kept safe and secure at work. The *information* in the medical record belongs to each client. Please treat it as their personal private property.
- Do not share personal information about your coworkers with anyone. For example, if Mary covers for Betty one day, she should not tell the client that Betty had to stay home because she's pregnant again and has morning sickness! Don't break confidentiality about your coworkers.
- Always be careful with what you say. For example, Tom was late with his client's bath. He said, "Sorry. I would have been here sooner, but Mr. Smith had diarrhea and I had to clean him up all over again." Tom broke confidentiality by talking about Mr. Smith to another client!
- It is important for you to share confidential information with your supervisor if it involves a client's health or well-being. If a client tells you that he is having chest pain, you do not keep that information secret! Let your supervisor know right away.



Confidential Documentation

Which of the following do you think “qualifies” as confidential documentation?

- A client’s medical record
- Your client care notes
- A bulletin board listing each client and his or her diagnosis
- The results of a coworker’s TB test
- Your annual job evaluation
- A client’s address and telephone number
- A copy of a doctor’s order



The answer? **THEY ALL ARE!** Any personal information about you, your clients or your coworkers should be kept confidential. This means keeping medical records and personnel files in locked cabinets, locked rooms or in supervised areas.

Confidentially Speaking...

Remember to be careful when you are talking about your clients. Before speaking, ask yourself:

- Is what I have to say confidential information?
- Is the person I am speaking to part of the client’s health care team?
- Am I in a private place or are there other people around me who shouldn’t hear what I am saying?
- Am I sharing this information for the client’s benefit? Or is it just “gossip”?



Question: Do you think you should be told if a client is HIV positive? Do you believe you have the right to know this bit of private information—especially since you might be providing personal care to this person?

Answer: No, you don’t have the right to know if a particular client is HIV positive. As health care workers, we protect ourselves from contagious diseases like AIDS by using *Standard Precautions* with EVERY client. By treating all your clients as if they might have an infectious disease, you can protect yourself without knowing a particular client’s HIV status.

Are You "In the Know" About Confidentiality?

Circle the best choice and then check your answers with your supervisor!

1. True or False

Confidentiality is one of the basic rights for clients and for employees.

2. True or False

It's okay to give confidential information to a member of the client's family.

3. Client information that should be kept confidential includes:

- A. The client's medical diagnosis.
- B. The names of the medications taken by the client.
- C. The client's vital signs.
- D. All of the above.

4. If a visitor asks you if your client is going to die, you should say:

- A. "It sure looks that way."
- B. "We're all going to die someday."
- C. "I'm sorry. I can't discuss the client's medical condition with anyone."
- D. "It's none of your business."

5. True or False

It's part of your job to keep your client's medical information private.

6. True or False

If a client tells you he wants to kill himself, you must not tell anyone.

7. True or False

Keeping medical information in computers might make it harder to maintain confidentiality.

8. True or False

Every health care worker has the right to know if a client is positive for HIV.

9. True or False

If people work at the same place you do, it's okay to discuss a client with them.

EMPLOYEE NAME _____

DATE _____

I understand the information presented in this inservice. I have completed this inservice and answered at least eight of the test questions correctly.

Employee Signature _____

Supervisor Signature _____

File completed test in employee's personnel file.

