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A World of Resources in Geriatric Care

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Respecting and Protecting Resident Confidentiality

More than 1.5 million elderly and disabled Americans live in over 16,000 nursing homes across this country. With the ‘graying’ of American, the population will continue to age. Eventually, it seems likely that more and more of us will live in long-term care settings.

Nursing homes provide valuable services and activities, helping residents experience the highest quality of life. For each resident, the goal is simple: to make their new homes comfortable, safe and secure – just like the homes they’ve left to come here. Caring and qualified staff plays a crucial role in ensuring a good transition -- helping residents realize the highest level of happiness and enjoyment.

What makes this house a home? For residents, their quality of living is enhanced by the freedom to be and do what they please. That freedom includes the basic right to share or withhold personal information. Residents give up so much to live in a nursing home. They shouldn't have to give up control of personal information, privacy and decision-making.

Respecting confidentiality begins with understanding what information should be protected. That’s where you come in. Staff and health care providers in nursing homes are the guardians of resident confidentiality, the first line in preserving resident confidentiality and protecting their precious rights. The better you understand what is confidential and who can be included in sharing of private information, the better you'll be able to both respect and protect your residents. Above all, when you are educated and informed, you can provide the best protection for yourself and your residents.

This facilitator’s guide will help you plan for and conduct an in-service program to help ensure that your staff understands how to protect resident confidentiality in your nursing home.

VIEWING GUIDELINES

“Respecting and Protecting Resident Confidentiality” is a video-based learning program. It speaks directly to the needs and motivations of every staff member in your facility, regardless of their position or job description. It can positively influence every member of the care giving team by helping explain:

1. Why respecting resident confidentiality is important
2. How nursing home health professionals can employ practical skills to protect resident confidentiality

Conduct the “Respecting and Protecting Resident Confidentiality” learning sessions for:

1. All members of your nursing staff
2. All members of support staffs who have direct or indirect contact with
residents, such as personnel in social services, admissions, housekeeping, dietary and maintenance.

3 All newly hired staff
4 All volunteers who work in your facility

PROGRAM CONTENT

The “Respecting and Protecting Resident Confidentiality” in-service program provides a unique and interactive learning experience. In addition to the valuable information contained in the video and accompanying workbook, it provides opportunities for facilitated discussion to help participants understand and learn to respect and protect resident confidentiality. The in-service video program begins by defining those resident medical, financial and personal affairs that are confidential. The video uses scenarios that describe and demonstrate proper, proven techniques to protect resident privacy and confidentiality. It also describes the two basic rules that help you protect resident confidentiality along with the six guidelines that offer practical ways to support your residents’ rights to privacy.

During your session, focus on these crucial learning points:

1 What types of resident information should be considered confidential
2 Permission that is needed for someone to see and hear privileged information.
3 Others with whom authorized staff can share authorized resident information.
4 Circumstances that pose risk to resident confidentiality – common instances when information might routinely or inadvertently be shared
5 What you can do to protect resident confidentiality
6 Where to find additional resources on resident confidentiality

SAMPLE GROUP SESSION AGENDA

Each facilitator has his or her own style in conducting an in-service program. Adapt the material covered in this guide to work with your presentation skills and the needs of your audience. You can use the following sample agenda to structure a session featuring “Respecting and Protecting Resident Confidentiality”.

Length of videotaped program: approximately 20 minutes

Suggested length of session: 45 minutes to 1 hour

Materials needed:

1 This facilitator’s guide
2 The “Respecting and Protecting Resident Confidentiality” video
3 Optional paper and pencils for participant note-taking
4 Optional flipchart and markers for writing key ideas

SUGGESTED SESSION AGENDA

<table>
<thead>
<tr>
<th>Time</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 min</td>
<td>Welcome the group to your session. Introduce the “Respecting and Protecting Resident Confidentiality” topic by leading this discussion:</td>
</tr>
<tr>
<td>20 min</td>
<td>Show video program</td>
</tr>
<tr>
<td>15 min</td>
<td>Engage viewers in a discussion about video</td>
</tr>
</tbody>
</table>

**DISCUSS** the importance of respecting and protecting confidential information. Assess the group’s understanding and appreciation in order to better understand how they will respond to the information that follows and the training contained in the video program.

**ASK** staff participating in this in-service program why they believe it’s important to protect confidential information.

Ask the group to define confidentiality. What does confidentiality mean to you?

What resident information – personal, medical, financial – should we consider as confidential?

**DISCUSS** the group’s responses. Steer the group toward agreeing on a definition of ‘confidentiality’. Consider this prior knowledge as a baseline for your group. Use it to better understand how to focus later discussion and follow-up exercises – for those with little knowledge of confidentiality, focus follow-up discussion on more basic concepts. Later you can use this baseline to understand how the learning session has helped to improve their knowledge of resident confidentiality and their role in protecting those rights.

**DISCUSS** the key points covered in the video. Offer a working definition of confidentiality: “protecting sensitive information from unauthorized disclosure.” Break down the definition into two components – “sensitive information” and authorized disclosure’. Engage group in discussion regarding the definition.
**ASK:** What is sensitive information? Why is information sensitive?

Who can authorize disclosure? Is there anyone beyond the resident who might be entitled to disclosure without authorization?

**DISCUSS** the two basic rules for protecting resident confidentiality: "Discuss residents’ business with only those who have a right and need to know" and “make sure others don’t accidentally learn details they shouldn’t”.

If group members are slow to respond to either discussion or questions, consider briefly recapping the main ideas – specifically the six guidelines for respecting and protecting resident confidentiality (or the key situations and behaviors with which you feel your group can most easily relate).

1. -- Discuss confidential medical, financial and personal affairs in private
2. -- Protect resident records
3. -- Avoid gossip
4. -- Re-direct when you’re asked about information you can’t share
5. -- Be a resident advocate by helping others maintain confidentiality
6. -- Respect a resident’s right not to share information

Define the three categories of protected information: medical, financial and personal affairs. Then discuss what information falls within the bounds of confidentiality. Discuss examples that would test how staff applies these guidelines.

**ASK:** What medical information is protected? Why is medical information confidential outside of the direct care team?

Is it OK to indicate that a resident is taking medication? Is it OK to reveal a resident’s medical condition to another resident? When is it OK to provide information to those concerned about fellow residents?

Is personal behavior protected even when you observe that behavior in a public area?

Why would the nursing home gather financial information regarding its residents? How should that financial information be used?

Are financial records confidential? Are personal behaviors protected? Is medical information shared between health professionals a violation of confidentiality?
10 min  Engage group in a closing discussion about the video.

**ASK:** After having completed this in-service program, how would you now define ‘confidentiality’?

**DISCUSS** the group’s interpretation of this crucial term. Engage staff in discussion that compares their definition now to that given or felt at the beginning of the in-service program. Finally, ask participants to discuss what they’ve learned – even asking each participant to indicate one new piece of knowledge that they have acquired.

5 min  In closing, ask for questions or additional comments from the group. Discuss as appropriate.

Thank group members for their participation and conclude the session.

**EXERCISES AFTER VIDEO**

- How do you rate yourself and your nursing home in respecting and protecting resident confidentiality? How do residents and families rate our performance?

- Describe instances where you might have had difficulty protecting confidential information from unauthorized sources, like family and other residents. Work around the group to ask members how they would handle these challenges.

- Conduct a role-play. Appoint one group member as an authorized caregiver and another as either a resident’s family member or an unauthorized staff person seeking information regarding a resident. Have the unauthorized inquirer to ask for access to resident confidential information. After the concluding the role-play, discuss how the authorized staff person did or could have protected resident information.

- Finally, as a group, decide how you can use what you’ve learned to better protect resident confidentiality in your facility.