**A Relationship of Care and Accountability**

**A Relationship of Care**

At Huntington Hospital we value the relationship we have with our physicians and other allied health care professionals. We are engaged in a work that transcends the simple provision of a product or service. We partner to provide healing and hope to those who come within our sphere of responsibility. As health care professionals, members of the medical staff provide the expertise and knowledge, based on their training and experience, to guide a patient’s course of care towards the most optimal outcome. As a health care institution, Huntington Hospital provides the facilities, nursing and support services to render that care and assist our physicians in diagnosing and treating our patients. This combination of knowledge and resources allows us to accomplish our mission of excelling at the delivery of health care to our community.

**A Relationship of Accountability**

With this relationship of care comes a relationship of accountability. Physicians are woven into the fabric of the hospital’s operations.

We act as one in purpose and action. As such, we share accountability with each other.

Health care is one of the most highly regulated industries in our nation. Physicians and hospitals are governed by a complex set of laws and regulations which are frequently modified and amended. Over the past few years, government regulators have increased their focus on the relation between physicians and the hospitals with which they are affiliated. The following topics describe some areas in which physicians and hospitals should be knowledgeable in order to sustain our relationship of accountability.

**Quality of Care**

When patients come to the hospital, they expect to receive the highest quality of care we can provide. Several areas pertaining to the provision of high quality care have been a focus of regulatory agencies. Regulators are now investigating and prosecuting health care providers for rendering care that does not meet generally recognized quality standards. Providers are at risk for not receiving payment for items or services rendered that are determined to be medically unnecessary or below acceptable standards of quality.

Our mission, core values and standards of conduct support a commitment to providing high quality care. Numerous programs and functions are performed within the hospital to ensure that we meet or exceed generally accepted quality of care practices.

**Conflicts of Interest**

A strong emphasis has been placed on relations between physicians and hospitals regarding incentives which might alter our professional judgment or impact our independent decision making in the best interest of our patients. A number of laws, including antikickback statutes, address a hospital’s receipt or payment of anything of value that is intended to induce a physician to refer patients to the hospital. The intent of this law is to ensure that health care decisions made by physicians and other health care providers are based solely on the clinical needs of the patient and not based on personal gain.

Stark Laws prohibit physicians from referring patients to hospitals or other entities with which they have an ownership or financial relationship for the provision of hospital and certain ancillary services. The Stark Laws provide several exceptions to the prohibitions which permit different kinds of hospital-physician financial relationships that meet the elements of each exception.

Most exceptions include requirements that the agreement be in writing, have a duration of at least one year, and have financial terms and conditions which are at fair market value and which do not vary with, or otherwise reflect, the volume or value of the physician’s referrals to the hospital.

The violation of Stark and anti-kickback laws can result in serious penalties including monetary fines, submission of false claims, and civil or criminal judgments against both the hospital and physicians.

**HIPAA and Safeguarding Patient Information**

The protection of patient privacy is one of our patients’ most basic rights. The obligation to protect patient information is a fundamental principle of our mission, core values, and our function as health care providers. Huntington Hospital physicians must understand the laws regarding the use and disclosure of our patients’ medical information.

**HIPAA and PHI Introduction**

The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”)’s Privacy Rule standards address the use and disclosure of individuals’ health information—called “protected health information” (PHI) by organizations, physicians, and other individuals subject to the Privacy Rule — called “covered entities.”

The Privacy Rule protects all “individually identifiable health infor­mation” held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral. The Privacy Rule calls this information “protected health information.”

“Individually identifiable health information” is information, including demographic data, that relates to:

* the individual’s past, present or future physical or mental health or condition,
* the provision of health care to the individual, or
* the past, present, or future payment for the provision of health care to the individual, and that identifies the individual for which there is a reasonable basis to believe can be used to identify the individual.

**General Principle for Uses and Disclosures**

A covered entity may not use or disclose protected health information, except either: (1) as the Privacy Rule permits or requires; or (2) as the individual who is the subject of the information (or the individual’s personal representative) authorizes in writing. A covered entity may use and disclose protected health information for its own treatment, payment, and health care operations activities without patient authorization.

**Reporting / Notification Requirements**

Covered entities in California are also subject to state laws governing patient privacy. Both Federal and California laws contain reporting and notification requirements for violations. These notification requirements mandate that covered entities must notify the affected patient, the California Department of Public Health, the U.S. Department of Health and Human Services, and in some cases, the media and the attorney general when a violation of patient privacy has occurred.

Ensuring that we act appropriately to maintain the privacy of our patients’ information is of utmost importance at Huntington Hospital. Our patients have entrusted us with their information, and expect that we will do the right thing to safeguard it. If you have ques­tions or concerns related to the privacy of patient information, feel free to contact the hospital’s Compliance Officer at (626) 397-5335.

**Resources**

The following are resources which are available to members of the medical staff if they have questions or concerns about a potential risk to the organization including actual or alleged violations of legal and regulatory statutes.

**Compliance Program**

Huntington Hospital is committed to compliance with all laws and regulations that govern the operations of its business. As a means of improving and ensuring compliance, Huntington Hospital has instituted a Compliance Program which is designed to establish a culture within the organization that promotes prevention, detec­tion and resolution of instances of conduct that do not conform with Federal or State laws and private payer requirements. The Compliance Program is overseen by a Compliance Officer who is charged with ensuring that the Compliance Program operates in a manner that is effective in meeting its intended purposes based on the recommendations of the Office of Inspector General of the Department of Health and Human Services.

**Asking Questions and Reporting Concerns**

If members of the medical staff have a question about a potential legal or regulatory concern or if they have observed something that they believe may place them or the hospital at risk for a compliance concern, there are a number of avenues available to have questions answered or concerns addressed. Huntington Hospital’s Compliance Officer is available as a resource to answer questions or address concerns. The Compliance Officer can be reached at (626) 397-5335. Huntington Hospital also has a Compliance Hotline and Compliance WebLine that are available 24 hours a day, 7 days a week. The Compliance Hotline and Compliance WebLine serve to have questions and concerns addressed in an effective manner and to protect the confidentiality and identity of persons placing the report. The Compliance Hotline number is (866) 311-4231. The Compliance WebLine address is www.hhcompliancewebline.com.

We look forward to working with you in this relationship of care and accountability.