

In-Home Aides

PARTNERS IN QUALITY CARE



Feature Spotlight

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Confidentiality, Privacy & Client Rights

Your role matters! Every client has the right to privacy and respect, and your everyday actions help protect those rights when you provide care in the client's home. Confidentiality means protecting information entrusted to you in the course of providing care. Privacy includes a client's right to personal space, dignity, respectful treatment, and control over personal information. For in-home aides, these responsibilities are especially important because care takes place in the client's home. The aide is a guest in that home and should treat the client, household, belongings, routines, records, and information with respect.

North Carolina law specifically recognizes a home care client's right to be treated with respect, consideration, dignity, and full recognition of the client's individuality and right to privacy. Clients also have the right to expect that their personal and medical records will be kept confidential and will not be shared except as permitted or required by law.

North Carolina's Declaration of Home Care Clients' Bill of Rights also extends clients' rights to participate in the plan of care, accept or refuse services, voice grievances without discrimination or reprisal, receive appropriate care, and receive a reasonable response to requests. In addition, your home health agency must notify a client within ten (10) days if the agency's license changes, is suspended, or is revoked. The agency is also responsible for ensuring the client is aware of agency policies regarding client responsibilities.

To view North Carolina's Declaration of Home Care Clients' Bill of Rights, please visit:



G.S. 131E-144.3

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Objectives

- Recognize common confidentiality risks
- Name one rule included in HIPAA
- Review the Home Care Clients' Bill of Rights and describe three client rights

References

U.S. Department of HHS
<https://www.hhs.gov/hipaa/for-professionals/index.html>

N.C. G.S. 131E-144.3
https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_131E/GS_131E-144.3.html

NCDHHS/DHSR/HCPEC | Home Care Aide Curriculum | July 2021, Module 2: Legal & Ethical Issues.

Client Rights & Your Role

Every client has rights. Here is what each one means for you.

Client Right	What it means for the in-home aide
Participate in the plan of care	Follow the established plan of care and respect the client's participation and preferences as it relates to scope of assigned duties.
Respect, consideration, dignity, individuality and privacy	Knock, identify yourself, explain care before beginning, protect the client during personal care, and respect the client's home and belongings.
Adequate, appropriate care, in compliance with federal and State laws, rules and regulations	Perform only assigned duties within your training, competency, agency policy, and the plan of care.
Voice grievances without the risk of negative consequences	Listen respectfully, do not argue or retaliate, and report concerns according to agency procedure.
Confidential personal and medical records	Do not disclose client information unless authorized or otherwise permitted/required. Secure paper and electronic records.
Freedom from mental and physical abuse, neglect, and exploitation	Report suspected abuse, neglect, exploitation, or immediate safety concerns promptly according to agency policy and applicable reporting requirements.
Written statement of services and charges	Direct questions about charges and agency financial information to the appropriate agency representative.
Accept or refuse services	Respect a client's refusal, determine whether there is an immediate safety issue, and notify the supervisor as required.
Information about on-call and supervisory access and availability	Know how to contact the supervisor or office when a concern arises.
Discharge information and reasonable response to requests	Do not promise services or changes outside your role. Refer requests to the supervisor.

Remember: Your job is to follow the plan of care. If something is not in the plan, or you are unsure, escalate to your supervisor.

Know Them. Respect Them. Protect Them.

What is HIPAA?

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) includes federal privacy and security protections for protected health information. The HIPAA Privacy Rule establishes national standards for providing medical records and other individually identifiable health information and applies to covered entities and, in relevant circumstances, their business associates. An in-home aide working for a HIPAA-covered provider is part of the workforce whose handling of protected health information (PHI) must follow the organization's HIPAA policies and procedures.



What is Protected Health Information?

Protected Health Information (PHI) generally means individually identifiable health information created, received, maintained, or transmitted by a covered entity or business associate in a form covered by HIPAA. Examples can include a client's name when connected with health information, address, diagnosis, medical history, care information, billing information, and other identifiers associated with health care.

HIPAA does not prohibit all sharing of information. The Privacy Rule permits and, in some circumstances, requires certain uses and disclosures for purposes such as treatment, payment, health care operations, and other legally permitted purposes. HIPAA also contains requirements concerning reasonable limits on certain uses and disclosures of PHI. In an in-home aide's day-to-day care, the safest approach is to access, use, and discuss only the information needed to perform assigned duties and to communicate through approved agency channels. An in-home aide should never independently decide that a disclosure is permitted. Follow agency policy and always ask the supervisor before sharing any information.

Care tips (PHI):

- Do not open a record simply because you are curious about a client.
- Protect paper documentation and electronic documentation containing client information. Keep in mind that the aide's care plan/task sheet is a legal and confidential document and should be viewed only by those with proper authority (i.e., the in-home aide providing care, the client, the client's authorized representatives with permission to view, and your supervisor). If you are using any paper documentation, be sure to protect the information from others' view.
- Do not copy, photograph, text, email, or store client information on a personal device unless agency policy specifically permits it and you use approved systems.
- When unsure whether a person is authorized to receive information, stop and contact the supervisor.

Privacy Care Tips

Care tips (Personal Care):

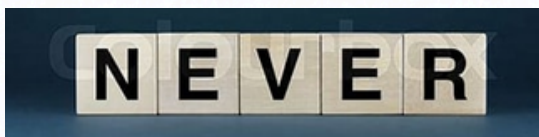
- Knock, identify yourself, and greet the client before entering.
- Explain what you are going to do before providing hands-on assistance.
- Close doors and curtains and use towels, gowns, drapes, or other appropriate coverings during bathing, dressing, toileting, and other personal care.
- Ask how the client prefers to be addressed and use that preference.
- Offer reasonable choices when the plan of care allows, such as clothing, meal options, or the order of routine tasks.
- Avoid unnecessary exposure of the client's body.
- Never ridicule, shame, scold, rush, or embarrass a client during care.
- Respect the client's belongings and do not search drawers, mail, files, or other personal items beyond what is necessary for assigned duties.

Care tips (Public Conversations and Professional Boundaries):

- Avoid using speakerphone for client-related conversations when others can hear.
- Do not discuss client information in public areas where others can hear.
- To ensure that you do not breach a client's confidentiality, never discuss your clients with your friends, family, church members, etc. Breaches can happen even in general conversation or with good intentions. For example, you might ask your church to pray for your client John Doe and his family, mentioning that he has cancer and has transitioned to hospice care. You do not have to say a client's name to disclose personal information, especially if you live in a small community. If you discuss your client's health information, the listener might be able to figure out who you are talking about based on other information you have provided.
- Do not bring your own visitors, children, or pets into a client's home.

Client Property, Money, and Financial Information

Privacy and professional boundaries extend to a client's financial and personal affairs.



- Do not use a client's debit card, credit card, online banking, PIN, or account information for personal purposes.
- Do not borrow from a client or accept money or gifts from a client or a client's family.
- Do not use a client's computer, tablet, or phone for personal social networking or other personal activities.
- Report suspected financial exploitation, missing property, or pressure from another person immediately, according to agency policy.

Sharing Information: Who Can Receive It?

A client's relative, friend, neighbor, employer, school employee, church member, or other person may ask an aide for information. The person's relationship to the client does not automatically give the aide permission to disclose information.

Authorization, agency policy, the client's wishes, the person's role in the client's care, and applicable law may affect whether information can be shared.

For an in-home aide, the appropriate response when uncertain is to refer the person to the agency or supervisor rather than making an independent disclosure.

Situation	Appropriate Response
A client's relative asks how the client is doing	"I'm not able to share client information. Please contact the office and they can help you."
The client's neighbor asks why the aide is visiting	"I'm not able to share any information."
A client's pastor asks about your client	"Thank you for asking. I'm not able to share any information about my client, but I will certainly let [him/her/them] know that you reached out and were thinking of [him/her/them]."

Phones | Texting | Email

Electronic devices, communication tools (phones, texting, email), and social media can create privacy risks even when an aide does not intend to identify a client. A photo of a home, a recognizable location, a unique medical situation, a schedule, a story about a client, or a post that combines multiple details can reveal who or where the client is.

- Never post client photographs, videos, audio, names, diagnoses, stories, schedules, addresses, or identifying details unless the agency has a specific approved process and the disclosure is authorized.
- Do not take photographs or videos of clients, their homes, medications, records, or belongings for personal use.
- Do not use social media while at work and do not accept a friend request from your client or your client's family. Social media can blur the professional relationship between the aide and the client, especially when an aide accepts friend requests or communicates through personal accounts. Inappropriate posts or online interactions can create reputational, employment-related, or legal concerns.
- Do not post workplace concerns, schedules, incidents, or internal communications publicly.

KEY TAKEAWAYS

Never promise to keep abuse or financial exploitation secret; report it to your supervisor right away.

In home care settings, PHI is any individually identifiable health information about a client, whether in paper, electronic, or oral form, that relates to their health or care.



If you make a privacy mistake:

- Do not try to hide or fix it on your own.
- Report it immediately, such as a misdirected email, fax, or text; a lost device; a misplaced record; or an overheard conversation, to your supervisor or designated privacy/security officer.
- The agency must then determine whether a breach occurred and what response is required.

Thank you for the care you bring into every home. Protecting your client's privacy is not separate from good care; it is part of it. When you knock before entering, keep client information private, check with your supervisor before sharing, and speak up when something does not seem right, you show clients the dignity and respect they deserve. When in doubt, pause and call your supervisor. Your professionalism is what makes you a trusted guest in your clients' homes.



Name two client identifiers that are considered PHI.

Name three client rights included in the NC Declaration of Home Care Clients' Bill of Rights.

A client tells you that a family member is taking money from them and says, "Please don't tell anyone." What should you do?