

HIPAA, CHAPLAINS, AND COMMUNITY RELIGIOUS LEADERS: A TEMPLATE

Prepared by the Commission on Quality in Pastoral Services, Association of Professional Chaplains



Definition of CHAPLAIN	References	Application
<ul style="list-style-type: none"> ◆ Clinically trained health care professionals certified by a national pastoral care organization ◆ Employed, contracted or otherwise officially engaged by the healthcare organization ◆ Provides spiritual, pastoral, and emotional care to all patients, their families, and staff employed by the organization <p>Resources:</p> <ul style="list-style-type: none"> ◆ Association of Professional Chaplains http://www.professionalchaplains.org ◆ COMISS Commission for the Accreditation of Pastoral Services http://www.comissnetwork.org 	<ul style="list-style-type: none"> ◆ Meet the definition of a member of the healthcare team who have access to patient information as defined by Health and Human Services ◆ Identified as an example of a direct caregiver by the Joint Commission for the Accreditation of Healthcare Organizations ◆ Recognized by the Nursing and Allied Health constellation ◆ JCAHO Patient Rights standards require organizations to accommodate the right to pastoral and other spiritual services and that persons performing assessments, including spiritual, are qualified ◆ <i>Chaplain, qualified:</i> an individual who is certified by a pastoral certifying agency or who has the documented equivalent in education, training, and experience (CAMH, January 2001) 	<p>Organizational P&Ps:</p> <ul style="list-style-type: none"> ◆ Are policies in place to assure patient rights regarding spiritual, religious, and cultural beliefs and patient confidentiality? ◆ Do the job descriptions for chaplains engaged by the organization reflect the credentials required for board certification? ◆ Do the policies on patient confidentiality identify chaplains engaged by the organization as direct care staff members who are permitted access to patient records in order to do their work? <p>Chaplain Department P&Ps:</p> <ul style="list-style-type: none"> ◆ Are policies in place that address the elements of spiritual assessment and who is qualified to do them? ◆ Are policies in place that identify the department's scope of service and standards of practice?
Definition of CLERGY or Community Faith Group Leader	References	Application
<ul style="list-style-type: none"> ◆ Recognized and employed by their faith group as a religious leader ◆ Not employed by the healthcare organization ◆ Tend to the religious needs of their faith group members 	<ul style="list-style-type: none"> ◆ The HIPAA regulation that applies to clergy (faith group leaders) is in context of the availability of patient information to outside visitors (non-employees of the organization) 	<ul style="list-style-type: none"> ◆ Does the organization's directory include religious information, and is there an 'Opt Out' component available? ◆ Are policies in place for identifying community faith group leaders that can have access to directory information and how they obtain that information?

- NOTES:**
1. The definitions of 'health care', 'health care provider', and 'treatment' are found in the HIPAA regulations 160.103 and following.
 2. Clinical Pastoral Education (CPE) students are considered healthcare providers as recognized by the Nursing and Allied Health education constellation.
 3. JCAHO standards on patient rights regarding cultural, psychosocial, spiritual, and personal values, beliefs, and preferences are found in chapter RI.2.10 with application throughout the Provision of Care standards and well several examples of implementation throughout both chapters.
 4. References to clergy and community faith group leaders are found in section 165.510 of the HIPAA regulations.

FOR MORE INFORMATION: Contact the Association of Professional Chaplains at (847) 240-1014 or info@professionalchaplains.org