Course Syllabus
HITT 1353 – Legal and Ethical Aspect of Health Information

Revision Date: August 19, 2013

Catalog Description: Concepts of confidentiality, ethics, health care legislation, and regulations relating to the maintenance and use of health information. Lecture, 2; Lab, 0; Contact, 32

Lecture hours = 3, Lab hours = 0

Prerequisites: none

Semester Credit Hours: 3
Lecture Hours per Week: 3
Lab Hours per Week: 0
Contact Hours per Semester: 32

State Approval Code: 51070000

Instructional Goals and Purposes: To introduce students to the major ethical principles and legal issues and regulations that guide health information management decision making. To emphasize to students the importance of maintaining confidentiality of health information.

Learning Objectives:
1. Identify and discuss the major ethical principles that guide health information management decision making.
2. Apply and promote ethical standards of practice.
3. Interpret professional values and obligations inherent in the American Health Information Management (AHIMA) Code of Ethics.
4. Apply federal, state, and local statutes, administrative laws and regulations with regard to the use and disclosure of health information.
5. Demonstrate appropriate health information disclosure practices.
6. Maintain user access logs/systems to track access to and disclosure of identifiable patient data.
7. Explain the HIPAA privacy standards and rules with regard to health information use and disclosure.
8. Apply confidentiality and security measures to protect paper-based and electronic health information.
9. Identify Health Information Management departmental and organizational data and information system security policies.

Specific Course Objectives (Includes Scans Information):

**Ethical Issues in Health Information Technology**

- Explain the role, values, and ethical obligations of the HIM Professional to build an ethical health information system.
- Identify the major ethical principles that guide health information management decision making.
- Identify professional values and obligations inherent in the Code of Ethics, including those important to patients, the healthcare team, employers, the public, peers and colleagues, and professional associations.
- Identify the steps in an ethical decision-making process are used to resolve ethical issues.
- Describe some of the core ethical problems health information management, including those related to the release of health information and coding.

**SCANS Basic Skills:** Ai, Aii, Aiv, Av, Bi, Bii, Biii, Biv, Bv, Bvi, Ci, Cii, Ciil, Civ, Cv.

**SCANS Workplace Competencies:** Ai, Aiii, Bi, Biii, Biv, Bv, Bvi, Ci, Cii, Ciil, Civ, Di, Dii, Diii, Ei, Eii, Eiii

**Introduction to the Fundamentals of law for Health Informatics,**


After studying this chapter, the student should be able to:

- Discuss why protecting the privacy and confidentiality of health information is a challenge.
- Describe the primary and secondary uses of health information.
- Discuss the difference between a health record, a hybrid record, and an electronic health record.
- Define privacy, confidentiality, and security
- Explain ownership of the health record and control over the use of information within the health record.
- Discuss the role and responsibilities of the custodian of health records and who may serve in the role of custodian.
- Describe the role of professional codes of ethics in protecting health information.

**SCANS Basic Skills:** Ai, Aii, Aiv, Av, Bi, Bii, Biii, Biv, Bv, Bvi, Ci, Cii, Ciil, Civ, Cv.

**SCANS Workplace Competencies:** Ai, Aiii, Bi, Biii, Biv, Bv, Bvi, Ci, Cii, Ciil, Civ, Di, Dii, Diii, Ei, Eii, Eiii

After studying this chapter, the student should be able to:
- Distinguish between public and private law, civil and criminal law, and tort and contract actions.
- Name and give examples of the four sources of law.
- Explain resolution in cases where laws conflict with one another.
- Compare the branches of government and the role that each plays.
- Describe the separation of powers in a democratic society.
- Summarize the federal and state court systems and the appeals process in both.
- Explain jurisdictional requirements that determine the courts in which cases are brought.
- Discuss the role of nonlegal accrediting bodies such as The Joint Commission and their authority relative to the legal system.
- Discuss the types of alternative dispute resolution available as options to the court system.

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After studying this chapter, the student should be able to:
- Differentiate between substantive law and procedural law.
- Explain the role of civil procedure in the legal system.
- Describe the parties to a lawsuit.
- Discuss pretrial procedures beginning with the commencement of a lawsuit.
- Describe the five methods of discovery.
- Explain the concept of e-Discovery.
- Explain the difference between a court order and subpoena.
- Summarize the proper procedure for responding to a subpoena.
- Summarize the steps in a trial.
- Discuss appropriate legal testimony by a health information and informatics professional.
- Explain the legal appeals process.

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After studying this chapter, the student should be able to:
Explain the significance of health information as evidence
Distinguish between discoverability and admissibility
Explain electronic discovery (e-Discovery) and the associated changes to the Federal Rules of Civil Procedure
Describe a legal hold
Explain spoliation and the concern it raises in legal cases
Define and give examples of the three types of evidence
Describe and apply the best evidence rule
Describe and apply the hearsay rule
Explain why health records generally constitute hearsay
Explain the business records exception and other exceptions to the hearsay rule
Explain the principle of patient-provider privilege
Discuss legal protections applied to incident reports and peer review records

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**Tort Law, Fundamentals of Law...,** Chapt. 5, p. 65-93,
After studying this chapter, the student should be able to:
- Define terms specific to tort law
- Discuss liability in torts as it relates to healthcare and health information
- List the elements of negligence
- Analyze the concept of *res ipsa loquitur*
- Compare *respondeat superior* and corporate liability
- Compare causes of action for improper disclosure of health information
- Discuss defamation and defenses of
- Discuss invasion of privacy and defenses of
- Discuss breach of confidentiality and defenses of
- Discuss infliction of emotional distress and defenses of
- Discuss liability of the health information professional
- Distinguish contract law and tort law
- Articulate issues related to medical malpractice insurance, the existence of an insurance crisis
- Discuss relevant statutes of limitation
- Discuss criminal liability in healthcare

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After studying this chapter, the student should be able to:
- Distinguish between express and implied consent
- Identify the components of informed consent form
- Describe the consent process applied in human subjects’ research
- Identify exceptions to the informed consent process
- Define advance directive
- Distinguish among the various types of advance directives
- Describe the Patient Self-Determination Act
- Discuss the consent rights and limitations of competent adults and incompetent adults
- Discuss the consent rights and limitations of minors
- Describe how consent should be documented.
- Identify different types of consent forms

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After studying this chapter, the student should be able to:
- List the multiple purpose of the health record
- Identify the major content areas of the health record
- Describe the common principles to consider when defining the legal health record
- Describe the entities that establish documentation and maintenance standards for the health record
- Identify the documentation principles that support a legally sound health record
- Describe the elements necessary to ensure the integrity of the legal health record
- Describe the factors associated with the creation of health records
- Identify the elements that must be considered in determining health record retention periods
- Distinguish the maintenance and retention considerations for paper and electronic health records
- Explain the various situations that lead to health record disposition.

SCANS Basic Skills: Ai, Aii, Áiv, Av, Bi, Bii, Biii, Biv, Bv, Bvi, Ci, Cii, Ciii, Ciiv, Cv.
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After studying this chapter, the student should be able to:
- Describe the purpose and goals of the HIPAA Privacy Rule
- Explain the source of law from which the HIPAA Privacy Rule is derived
- Discuss the scope of HIPAA and the purposes it serves in addition to protecting the privacy of patient information
- Identify to whom and what the HIPAA Privacy Rule applies
- Describe the various organization types governed by the HIPAA Privacy Rule
- Compare and contrast the purposes and elements of the Notice of Privacy practices, consent, and authorization
- Analyze situations that do and do not require patient authorization per the HIPAA Privacy Rule
- Apply the minimum necessary requirement to use and disclosure situations.
- Discuss the individual rights granted by the HIPAA Privacy Rule
- Explain the restrictions that the HIPAA Privacy Rule places upon the use of protected health information for marketing and fundraising purposes and apply them to factual situations
- Explain the HIPAA Privacy Rule’s parameters on the use of protected health information for research
- Examine conflicts and determine prevailing law between the HIPAA Privacy Rule and state law
- Summarize the administrative requirements and penalties for noncompliance that are imposed by the HIPAA Privacy Rule

SCANS Basic Skills: Ai, Aii, Aiv, Av, Bi, Bii, Biii, Biv, Bv, Bvi, Ci, Cii, Ciii, Cv, Cv.
SCANS Workplace Competencies: Ai, Aiii, Bi, Biii, Biv, Bv, Bvi, Ci, Cii, Ciii, Civi, Di, Dii, Diii, Ei, Eii, Eiii


After studying this chapter, the student should be able to:
- List the purpose and goals of the HIPAA Security Rule
- Discuss the source of the HIPAA Security Rule
- Compare the HIPAA Security Rule with the HIPAA Privacy Rule
- Outline the major sections of the HIPAA Security Rule
- Identify entities covered by the HIPAA Security Rule
- Define ePHI and covered entities
- Discuss the role of the chief security officer
List penalties for noncompliance with the HIPAA Security Rule
- Identify security mechanisms that could be used to comply with the HIPAA Security Rule, including mechanisms to ensure data security and system security
- Identify potential internal and external security threats
- Explain the importance of disaster (contingency) planning in securing health information
- Recognize the role of the health information and informatics management (HIM) professional in HIPAA security compliance effort

**SCANS Basic Skills:** Ai, Aii, Aiiv, Av, Bi, Bii, Biiv, Bv, Bvi, Ci, Cii, Ciii, Civ, Cv

**SCANS Workplace Competencies:** Ai, Aiii, Bi, Biii, Biv, Bv, Bvi, Ci, Cii, Ciii, Civ, Di, Dii, Diii, Ei, Eii, Eiii

**Access, Requests, and Disclosure of Health Information, Fundamentals of Law...** p. 237-267; **Access to Health Information, Medical Records and the Law, Roach, Chpt. 6, p. 103-245,**

After studying this chapter, the student should be able to:
- Discuss the issues surrounding ownership of health information
- Differentiate between access and disclosure rights of competent and incompetent adult patients
- Explain the various issues related to when parental authorization is required or not required regarding minor patients
- Discuss state laws and federal laws designed to protect sensitive health information related to behavioral healthcare, substance abuse, and HIV/AIDS
- Explain the issues surrounding the access, use, and disclosure of genetic information
- Explain access and disclosure rights regarding adoption information and adopted individuals
- Discuss situations when access, use, or disclosure of health information requires individual’s authorization and when it does not
- Discuss the statutory requirements that provide employees rights to their safety and health records
- Describe the process for disclosing health information for federal and state disability determination
- Identify requests for information that require the patient’s authorization and those that do not
- Discuss the various types of requests for access, use, and/or disclosure of patient information and steps for handling the requests
- Summarize the issues related to managing the release of information in terms of verification of requester, determine if request is legitimate, accounting for disclosures, and refusing to disclose information
- Discuss the reimbursement and fee structure for copying health information

**SCANS Basic Skills:** Ai, Aii, Aiiv, Av, Bi, Bii, Biiv, Bv, Bvi, Ci, Cii, Ciii, Civ, Cv

After studying this chapter, the student should be able to:

- Describe the four elements of the HIPAA Privacy Rule that relate to required reporting laws
- Identify the HIPAA exception(s) that allows release of health information without patient authorization
- Discuss the common state and federal mandatory disclosure laws including who is responsible for reporting, type of information reported, and authority to disclose under the HIPAA Privacy Rule

Compliance, Fundamentals of Law…., Chapt. 13, p. 315-336, Health Information Management Technology, Chapt. 7, Coding and corporate Compliance, p. 317-327

After studying this chapter, the student should be able to:

- Identify the major laws that relate to the billing and reimbursement processes
- Give examples of activities that would be considered fraud and abuse
- Describe examples of false claims
- Describe documentation in the health record that supports the billing for services rendered to the patient
- List examples of policies and procedures to ensure the accuracy of coding
- Design contents of training for employees to ensure that they are in compliance
- List and describe the elements in a Corporate Compliance Program
- Explain ways the health informatics and information management professional can ensure that the organization is in compliance with regulations and standards related to billing and reimbursement


After studying this chapter, the student should be able to:

- Identify stakeholders in healthcare quality
- Define risk management and quality improvement
- Distinguish between risk management and quality improvement processes
- Describe the basic components of a risk management program
- Identify the governmental and private organizations that are involved in the promotion of quality care
- Identify key laws and standards related to healthcare quality
- Describe the role of QIOs in healthcare quality

**SCANS Basic Skills:** Ai, Aii, Aiv, Av, Bi, Bii, Biii, Biv, Bv, Ci, Cii, Ciii, Civi, Cv.

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**Workforce Overview: Labor Laws and Medical Staff Organization,**

*Fundamentals of Law...*, Chapt. 14 p. 337-354

After studying this chapter, the student should be able to:
- List the major laws with which the health informatics and information management (HIM) professional must be familiar
- Identify the major purposes of laws related to discrimination
- Describe the supervisor’s role in the labor contract
- Describe how the HIM professional must work with the employees staffing the HIM department as well as members of the medical staff
- Describe the credentialing process for the medical staff and other licensed independent practitioners
- Define the terms credentialing, privileges, and appointment
- Describe the relationship between the organized medical staff, the hospital administrator (CEO) and the governing board, and the HIM professional
- Describe the importance of primary source verification of practitioners’ professional performance including licensure, education training, current competence, and physical ability to discharge patient care responsibilities
- Explain the different roles of the medical staff officers and chiefs of medical staff departments

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**Improving Healthcare: Information Technology, Privacy, and Security,**

*Fundamentals of Law...*, Chapt. 15 p. 355-371

After studying this chapter, the student should be able to:
- Discuss the 2004 Health Information Technology Plan and how it has evolved in future administrations
- Identify major initiatives at the federal, state, and private sector levels that impact the legal aspects of health informatics and information management
- Define the term interoperability and the necessity for interoperable systems
• Identify the resources available for maintaining current knowledge of legal issue affecting implementation of electronic health records and health information exchange

**SCANS Basic Skills:** Ai, Aii, Aiv, Av, Bi, Bii, Biii, Biv, Bv, Ci, Cii, Ciii, Cv,

**SCANS Workplace Competencies:** Ai, Aiii, Bi, Biii, Biv, Bv, Ci, Cii, Ciii, Civ, Di, Dii, Diii, Ei, Eii, Eiii

**Methods of Evaluation:**
The previously described performance/learning objectives will be measured by chapter exams covering 3-5 chapters at a time. Tests will be primarily multiple choice, fill in the blank and short answer, with a few essay questions. Occasionally there will be daily work assigned that will require the student to write short answers to questions. Students will be asked to summarize several *Journal of AHIMA* articles.

**Paper:** Students are required to write a formal paper of no more than five (5) pages (not including title page and reference page) on a current legal or ethical issue affecting health care delivery in the United States. The paper should demonstrate the student’s ability to communicate effectively in written form; specifically this includes vocabulary appropriate to the topic, tone, clarity of expression, correct grammar, punctuation, and spelling. Students are expected to create, write, edit, format, and print out their own paper. Any information that is copied directly from any source should be placed in quotation marks and footnoted. Students must reference at least 5 different resources including journals, reference books, Internet resources, and interviews if appropriate.

**Content – 50%**
The content should be cohesive, logical, and related. The writing should be original and present arguments in logical manner.

**Length, organization, and attention to guidelines – 25%**
Thought processes should flow easily from paragraph to paragraph. There should be an introduction and a summary or closing.

**Spelling & Grammar – 25%**
Proper grammar, sentence structure, spelling and punctuation should be used.

5 points counted off grade for every day paper is late

**Professionalism**
Success in one’s career is almost as dependant on professional behavior as on one’s academic knowledge and abilities. **Students** are expected to exhibit professional behavior in the classroom and in all activities associated with this course. Professional behavior includes:

• **Attends Class and is punctual** – The student attends every class period arrives on time for class activities or informs the instructor in a timely
manner of unavoidable situations that cause the student to be late of miss class.

- **Dependable** – The student meets assignment deadlines and follows through to completion of responsibilities.
- **Effective interpersonal and team skills** – The student relates well to people, shows respect for others, deals tactfully and effectively with others, influences as opposed to directs, provides constructive criticism without alienating others, negotiates or mediates when appropriate, exhibits openness to new ideas, and demonstrates a positive attitude.
- **Effective communications skills** – The student listens, speaks using correct grammar and without excess fillers, e.g. *um, you know, like*.
- **Ethical conduct** – The student maintains honesty, integrity, and confidentiality of patient, provider, fellow student and college information.
- **Class participation** – The student actively participates in class discussions and activities by making accurate and relative statements to the topic under discussion which indicate preparation and builds arguments on the discussion of fellow students; active listening to both the instructor and the class members.

**Attendance Policy**
Regular attendance is essential. The student is expected to attend all classes in which he/she is enrolled. This class will meet twice each week for a period of 50 minutes each day. Attendance will be checked and recorded in the instructor’s gradebook at each class meeting. A maximum of three days of absence will be allowed. If a student is absent more than three days he/she may be dropped from the class (see the Panola College Catalog). If a student arrives late, (more than 15 minutes) he/she will be recorded as tardy. Three tardies will equal one absence. Leaving class early without the instructor’s permission will be recorded as one absence.

Students are responsible for all assignments, even in the event of an absence. The grade for late assignments will be decreased by 10 points for each day that they are late.

**Course Grade:**
Exams will be given over lecture and textbook information.
The final grade will be computed as follows:

- Average on chapter exams-------------------------------50%
- Term paper grade----------------------------------15%
- Daily Grades, Professionalism, Attendance------------15%
- Final Exam------------------------------------------20%

The final grade will be determined by the accumulated average scores achieved during the semester according to the following scale:
90 – 100  = A
80 – 89.9  = B
70 – 79.9  = C
60 – 69.9  = D
<60       = F

Texts, Materials, and Supplies:


Supplies:

Notebook for handouts, paper, pencils, and pens.

Resources:


Special Notes:

*Cell phones and pagers are not acceptable in the classroom except on the silent mode.*

If any student in this class has special classroom or testing needs because of a physical, learning or emotional condition, please contact the ADA Student Coordinator in Student Services in the Martha Miller Administration Building, telephone 903-693-1123.
Withdrawing from a course is the student’s responsibility. If you do not withdraw yourself, you will very likely receive an F if you do not attend class.

Other:

- For current texts and materials, use the following link to access bookstore listings: [http://www.panolacollegestore.com](http://www.panolacollegestore.com)
- For testing services, use the following link: [http://www.panola.edu/elearning/testing.html](http://www.panola.edu/elearning/testing.html)
- If any student in this class has special classroom or testing needs because of a physical learning or emotional condition, please contact the ADA Student Coordinator in Support Services located in the Administration Building or go to [http://www.panola.edu/student-success/disability-support-services/](http://www.panola.edu/student-success/disability-support-services/) for more information.
- Withdrawing from a course is the student’s responsibility. Students who do not attend class and who do not withdraw will receive the grade earned for the course.
SCANS CRITERIA

1) Foundation skills are defined in three areas: basic skills, thinking skills, and personal qualities.

a) Basic Skills: A worker must read, write, perform arithmetic and mathematical operations, listen, and speak effectively. These skills include:
   i) Reading: locate, understand, and interpret written information in prose and in documents such as manuals, graphs, and schedules.
   ii) Writing: communicate thoughts, ideas, information, and messages in writing, and create documents such as letters, directions, manuals, reports, graphs, and flow charts.
   iii) Arithmetic and Mathematical Operations: perform basic computations and approach practical problems by choosing appropriately from a variety of mathematical techniques.
   iv) Listening: receive, attend to, interpret, and respond to verbal messages and other cues.
   v) Speaking: Organize ideas and communicate orally.

b) Thinking Skills: A worker must think creatively, make decisions, solve problems, visualize, know how to learn, and reason effectively. These skills include:
   i) Creative Thinking: generate new ideas.
   ii) Decision Making: specify goals and constraints, generate alternatives, consider risks, and evaluate and choose the best alternative.
   iii) Problem Solving: recognize problems and devise and implement plan of action.
   iv) Visualize ("Seeing Things in the Mind's Eye"): organize and process symbols, pictures, graphs, objects, and other information.
   v) Knowing How to Learn: use efficient learning techniques to acquire and apply new knowledge and skills.
   vi) Reasoning: discover a rule or principle underlying the relationship between two or more objects and apply it when solving a problem.

c) Personal Qualities: A worker must display responsibility, self-esteem, sociability, self-management, integrity, and honesty.
   i) Responsibility: exert a high level of effort and persevere toward goal attainment.
   ii) Self-Esteem: believe in one's own self-worth and maintain a positive view of oneself.
   iii) Sociability: demonstrate understanding, friendliness, adaptability, empathy, and politeness in group settings.
   iv) Self-Management: assess oneself accurately, set personal goals, monitor progress, and exhibit self-control.
   v) Integrity and Honesty: choose ethical courses of action.

2) Workplace competencies are defined in five areas: resources, interpersonal skills, information, systems, and technology.

a) Resources: A worker must identify, organize, plan, and allocate resources effectively.
   i) Time: select goal-relevant activities, rank them, allocate time, and prepare and follow schedules.
   ii) Money: Use or prepare budgets, make forecasts, keep records, and make adjustments to meet objectives.
   iii) Material and Facilities: Acquire, store, allocate, and use materials or space efficiently. Examples: construct a decision time line chart; use computer software to plan a project; prepare a budget; conduct a cost/benefits analysis; design an RFP process; write a job description; develop a staffing plan.

b) Interpersonal Skills: A worker must work with others effectively.
i) Participate as a Member of a Team: contribute to group effort.
ii) Teach Others New Skills.
iii) Serve Clients/Customers: work to satisfy customer’s expectations.
iv) Exercise Leadership: communicate ideas to justify position, persuade and convince others, responsibly challenge existing procedures and policies.
v) Negotiate: work toward agreements involving exchange of resources, resolve divergent interests.
vi) Work with Diversity: work well with men and women from diverse backgrounds.
Examples: collaborate with a group member to solve a problem; work through a group conflict situation, train a colleague; deal with a dissatisfied customer in person; select and use appropriate leadership styles; use effective delegation techniques; conduct an individual or team negotiation; demonstrate an understanding of how people from different cultural backgrounds might behave in various situations.

c) Information: A worker must be able to acquire and use information.
i) Acquire and Evaluate Information.
ii) Organize and Maintain Information.
iii) Interpret and Communicate Information.
iv) Use Computers to Process Information.
Examples: research and collect data from various sources; develop a form to collect data; develop an inventory record-keeping system; produce a report using graphics; make an oral presentation using various media; use on-line computer data bases to research a report; use a computer spreadsheet to develop a budget.

d) Systems: A worker must understand complex interrelationships.
i) Understand Systems: know how social, organizational, and technological systems work and operate effectively with them.
ii) Monitor and Correct Performance: distinguish trends, predict impacts on system operations, diagnose deviations in systems’ performance and correct malfunctions.
iii) Improve or Design Systems: suggest modifications to existing systems and develop new or alternative systems to improve performance.
Examples: draw and interpret an organizational chart; develop a monitoring process; choose a situation needing improvement, break it down, examine it, propose an improvement, and implement it.

e) Technology: A worker must be able to work with a variety of technologies.
i) Select Technology: choose procedures, tools or equipment including computers and related technologies.
ii) Apply Technologies to Task: understand overall intent and proper procedures for setup and operation of equipment.
iii) Maintain and Troubleshoot Equipment: Prevent, identify, or solve problems with equipment, including computers and other technologies.
Examples: read equipment descriptions and technical specifications to select equipment to meet needs; set up and assemble appropriate equipment from instructions; read and follow directions for troubleshooting and repairing equipment.