

MARTI ARVIN

University of Louisville
Privacy Officer

Phone: 502-852-3803

Fax: 502-852-3855

Email: marti.arvin@louisville.edu

HIPAA Compliance

Been there. Done that.
What's next?



AGENDA

- Continuing requirements for compliance
 - Privacy Rule
 - Security Rule
 - Transactions and Code Sets
- New issue
 - EHR and NHII
- Q & A



You're not done with HIPAA

- ❑ Privacy Rule continuing requirements
- ❑ Security Rule continuing requirements
- ❑ Transactions and Code sets



Privacy Rule continuing requirements

- What should you be doing as part of your monitoring?
 - NPPs provided and acknowledgements obtained
 - Verification procedures
 - Tracking request for information
 - Are the requests being fulfilled in a timely manner?
 - Are you charging appropriately for the record?
- After almost two and half years staff may be slipping



Privacy Rule continuing requirements

- What should you be doing as part of your monitoring?
 - Observe staff interaction with patients
 - Listen
 - Review your NPP
 - Review your accounting of disclosures method

Security Rule continuing requirements

- Are you in compliance yet?
 - Don't worry a lot of practices are not
- What should you be doing as part of your monitoring?
 - Review of screen saver/log out





Security Rule continuing requirements

- What should you be doing as part of your monitoring?
 - Review of audit logs
 - Look for patterns
 - Evaluate user activity
 - Review VIP information
 - Look at records of employees who are patients
 - Employees reviewing their own medical record
 - Ongoing risk monitoring
 - Testing your data back-up and disaster recovery plan

Risk of occurrence	Liability if occurs		
	HIGH	MEDIUM	LOW
HIGH	1	1	2
MEDIUM	1	2	3
LOW	2	3	3



Security Rule continuing requirements

- What should you be doing as part of your monitoring?
 - Evaluating whether virus software and security updates for operating systems is up-to-date
 - Reviewing computers for inappropriate software
 - Reviewing lists of who has access to what
 - Is access still appropriate
 - Do terminated employees still have access



Security Rule continuing requirements

- What should you be doing based on specific events?
 - Scrubbing computers with PHI before disposal
 - Following a checklist upon employee termination
 - Access termination
 - Acquiring all keys, ID badges, etc.
 - Assuring return of all media that might have PHI



Privacy & Security Issues

- Evaluating Business Associates
 - Are your agreements current?
 - Was it updated for the security rule requirements?
 - Did you change vendors?
 - Did you change the services being provided?
 - Did you sign BAs in the beginning when a BA was not really needed?
 - Who monitors new contracts to determine if BA is needed?



Privacy & Security Issues

- Evaluating training
 - Are new employees getting training?
 - Are you updating training based on new policies?
 - Remember the security rule requires security reminders
- Reviewing proper disposal of PHI
 - Are shredders or shredding bins being used?
 - Is portable media like CDs and disks being properly disposed of or wiped before reuse?



Privacy & Security Issues

- Reviewing any privacy issues you have encountered
 - Has the corrective action been implemented
 - Have sanctions been applied in a consistent manner
- Reviewing state legislative action
 - As of August 16, 2005 18 states had enacted legislation
 - Various levels of notification



Privacy & Security Issues

- Ongoing Auditing
 - Don't reinvent the wheel
 - Incorporate privacy and security into ongoing audit function
 - Walk through of the clinics
 - Review information while you are in the record
 - Ask for the P & Ps of your BAs



Transactions and Code sets

- National Provider Identifier
 - Effective date May 23, 2005
 - Enforcement date May 23, 2007
 - Replaces UPIN

- Who it applies to
 - Any health care provider
 - Individual (MDs, DDS, NPPs, Chiropractors, etc.)
 - Organization (hospital, group practice, HMO, labs, etc.)
 - HIPAA covered health care providers must get an NPI
 - NPI stays with individual or organization for life.



Transactions and Code sets

- Providers can apply now
- How to apply
 - Individually via paper or web
 - <https://nppes.cms.hhs.gov>
 - Batch method coming fall 2005
- Payers can begin using prior to May 23, 2007



Transactions and Code sets

- ❑ Medicare no longer accepting non-compliant transactions as of October 1, 2005.
- ❑ Claims attachment
 - NPRM is at OMB for review as of August 16, 2005
 - Proposed rule is expected on or about September 23, 2005



National Health Information Infrastructure (NHII)

- ❑ NHII what is it?
- ❑ What are the privacy and security issues?
- ❑ What are the benefits?
- ❑ How will it impact you?



What is NHII?

- ❑ President Bush's initiative to have fully automated health records by 2014
- ❑ National system that permits access to someone's record anywhere
- ❑ Birth to death medical information



What are the anticipated benefits?

- Improved patient safety
 - Evaluate drug interactions
 - Review what patients have shared with other providers
 - Prompt practitioners about additional testing, etc
- Improved ability to analyze disease management
- Decrease in overall health care costs
 - Fewer duplicated tests, etc.



Privacy and Security Questions

- ❑ Will patients be required to participate?
- ❑ Will patients be permitted to define what goes into a record?
- ❑ How will information be transmitted between providers?
- ❑ How will provider access be defined?



How will it impact you?

- ❑ May require reconfiguration of current systems to new standards
- ❑ Will cost some money
 - Estimate of \$156 billion over 5 years
 - Annual operating costs of \$48 billion¹
- ❑ Discussions of providing \$15,000 per physician to implement.



How will it impact you?

- ❑ May permit you to more readily access a patient's record from another provider
- ❑ May permit access to more current medical information such as contraindications with medicines patient is taking
- ❑ May provide method to resolve matters electronically

QUESTIONS

