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 **GETTING HIP TO HIPAA** 

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LYRICS (aka HIPAA LANDSCAPE) 

- Message
- Terminology
- HIPAA Framework: Administrative *Simplification*?!
 - Privacy Standards
 - Security Standards
 - Transactions and Code Sets Standards
 - Unique Identifiers
- Helpful Government & ACR Guidance

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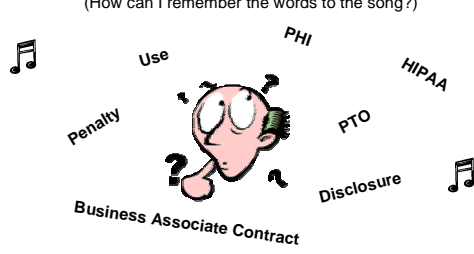
HIPAA Lives On... 

Message

- HIPAA is law of the land
- It's here to stay BUT...
- You can manage its requirements

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As a Medical Physicist, what do these terms mean to me?
(How can I remember the words to the song?)



HIPAA Privacy Rule



- HIPAA enacted 1996
- First “final” rule 2000
- Amended rules published 2002
- Effective April 14, 2003

HIPAA Privacy Rule



- **Terminology Lesson**
 - **PHI (*Protected health information*)**: Individually identifiable health information
 - Name
 - SS Number
 - Medical Record Number
 - Account Number
 - Driver License Number

HIPAA Privacy Rule



- **Use**
 - With respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information [45 CFR §160.103]

Clear as mud, maybe disclosure is easier!

HIPAA Privacy Rule



- **Disclosure**
 - The release, transfer, provision of access to or divulging in any other manner of information outside the entity holding the information [45 CFR § 164.103].

Maybe only dirty water now – the key word is “outside”

HIPAA Privacy Rule



- Required uses and disclosures
 - To patients (or personal representatives) on request
 - To HHS for compliance or enforcement action
- Incidental use and disclosure?
 - Yes if permitted use (discussing PHI with dosimetrist)

HIPAA Privacy Rule



- **PTO** - (Not Paid Time Off)
 - Payment
 - Treatment
 - Operations (Quality Assurance; credentialing)
- Can disclose PHI for these reasons without consent

HIPAA Privacy Rule



- **Business Associate Contract**
 - Merely providing software to a health care organization does not create a business associate (BA) relationship
 - However, if the vendor provides services that require it to access PHI to assist with data processing or to perform other functions for the health care organization, the vendor would be a business associate

More HIPAA Notes to Sing...



Security Standards

- Effective April 2003, enforceable April 2005
- Apply only to electronic transmissions
- Incorporate broad PHI safeguards
 - Administrative (managing security process)
 - Physical (facility access controls)
 - Technical (data encryption)

HIPAA Security Standards

- Conduct thorough risk analysis
- “Technology-neutral”: one size does not fit all
- Adopt reasonable controls on PHI
- Communicate early and often with IT vendor(s)

What does this mean to a physicist?!

- Role: covered entity or business associate?
 - Physicist as employee = agent and part of CE
 - Could serve as BA to other hospital or facility
- ** Physicist as independent contractor = BA to health care provider CE (would execute BA agreement)
 - and as CE if handling PHI for diagnosis or treatment (no BA contract needed)

What does this mean to a physicist?!

Service contract tips:

- Conform BA contracts to privacy rule
- Hold BA to security safeguards
- Ask for “HIPAA compliance certificate”

More HIPAA Notes

Transactions Rule

- Effective October 2003 → “interoperability”
- Apply to 10 EDI transactions
 - Claims and encounter information
 - Payment and remittance advice
- Official code sets → ICD-9, CPT®
- CMS only accepts compliant claims

And More Works...



Unique Identifier Standards

- Employer Identification Number: effective July 2002
- National Provider Identifier (NPI)
 - Standard, portable unique ID for providers
 - Final rule adopted January 2004
 - Must use starting May 2007 for HIPAA transactions

Keeping in Tune with HIPAA



Government is here to help!

- HHS Office for Civil Rights has ample privacy toolkit
 - www.hhs.gov/ocr/hipaa
- CMS offers security, transactions links
 - http://www.cms.hhs.gov/hipaageninfo/01_overview.asp?

ACR has model policies and procedures

- www.acr.org