

HIPAA, Employers and eHealth: Views from the Corporate World

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Session Overview

- ❖ Review employer and “business partner” HIPAA challenges and opportunities, including select eHealth issues
- ❖ Review employer HIPAA checklist

Session Objectives

- ❖ Gain insight about how HIPAA's privacy and administrative simplification provisions are impacting corporate wellness and eHealth efforts

Who We Talked To

❖ Employer HIPAA Views:

- In-depth interviews and dialogue with senior benefits executives and corporate HIPAA experts

❖ “Business Partner” HIPAA Views:

- In-depth interviews with eHealth Initiative members

eHI Mission and Purpose

- ❖ The eHealth Initiative is a national not-for-profit advocacy and trade organization created to provide a unified voice for the health care industry on eHealth and technology-related issues.
- ❖ Our mission is to improve the quality and cost-effectiveness of health care by promoting the rapid discovery, development, roll-out, and adoption of eHealth.

eHI Multi-Stakeholder Membership

HEALTHCARE SECTORS

Biotechnology/ Genomics Companies
eHealth Organizations
Healthcare Payers
Healthcare Purchasers/Employers
Health Systems and Healthcare Providers
Medical Device Manufacturers
Non-profit Associations or Professional Societies
Pharmaceutical Companies
Research and Education Institutions
Service Providers
Technology Organizations

MEMBER ORGANIZATIONS*

- AdvaMed
- Advance PCS
- AHIMA
- CareGain, Inc.
- CareGroup
- HealthCare System
- CareScience
- Cerner Corporation
- Communications for eBusiness and Health
- Coprindm
- Crosby Marketing Communications
- Cyber Dialogue
- EBM Solutions
- EDS
- Future Health
- GE Medical Systems
- Guidant Corporation
- HCCA
- Healinx
- Healthcare Informatics
- Healthcare Management Associates
- Health Technology Center
- Healthwise, Incorporated
- Hi-Ethics, Inc.
- IBM
- InterMap Systems
- Internet Healthcare Coalition
- Johnson & Johnson
- Lifemasters
- Lumenos
- Mayo Medical Ventures
- McKesson
- Medscape
- Medstar Health
- MedSymphony
- Medtronic
- National Center for Clinical Outcomes Research
- National IPA Coalition
- Newbury, Piret & Company
- Pfizer Health Solutions
- PricewaterhouseCoopers
- RnetHealth
- RX Hub
- Shattuck Hammond Partners
- Shaw Pittman
- Sick Bay Health Media
- Siemens
- SMA Informatics
- The IPA Association of America
- The Moran Company
- Trestletree
- VHA Inc.
- Vivius
- VivoMetrics
- Wellmed

* Membership as of 10/22/01

HIPAA Administrative Simplification Standards

❖ Beneficial Impacts

- Reduces number of proprietary formats for financial and administrative transactions
- Will increase adoption rate of electronic processing in health care
- Will yield real monetary savings

HIPAA Privacy Standards

❖ Beneficial Impacts

- Significant cultural and operational change
"compelling health care institutions to do things they should be doing anyway"
- Addresses heightened consumer and employee unease about the confidentiality of their health information
- Laser focus on effective organizational information practices
- Focus not just on traditional information handling but also on reproduction, distribution and disposal

HIPAA Operational and Cultural Changes

- ❖ Covered entities act as "custodian" for individual's health information (Example: Pro-active review of provider audit logs)
- ❖ "Thinking about security and proper handling of information is everyone's business"
- ❖ Increased interdepartmental dialogue with HIPAA compliance teams and HIPAA “champions” (HR, Legal IT, Government Affairs staff)

HIPAA Operational and Cultural Changes

- ❖ Integrity of business relationships and responsibility of business associates much more significant
- ❖ More restrictions and administration challenges in disability management programs and health and productivity research

HIPAA and the Unexpected

- ❖ During HIPAA preparations, companies surveyed have been surprised by:
 - HIPAA's comprehensive and tentacle-like reach into every aspect of business
 - "The degree of reach of HIPAA into nearly everything we do has been remarkable. There are very few decisions we can make about operations where security or privacy considerations are not part of the equation"

HIPAA and the Unexpected

- ❖ During HIPAA preparations, companies surveyed have been surprised by:
 - Covered entities looking to business associates for significant guidance on dealings and taking the lead in defining conditions and terms of contracts (need for contract boilerplate)
 - Importance of upholding not just the letter but spirit of HIPAA laws

HIPAA Challenges Employer Overview

- ❖ Rapidly bringing about significant changes in privacy and data handling
- ❖ Strategic consideration of privacy and security requirements for ANY new business offering
- ❖ Erecting procedural firewalls in small business environments

HIPAA Challenges Key Employer Issues

- ❖ Lack of full state law pre-emption for nationwide employee network
- ❖ New paradigm and procedures for on-site health and disability management programs (workers' compensation exclusion)
- ❖ Conforming to “minimum necessary” provisions, while effectively administering effective health, care and disease management programs
- ❖ Coordinating HIPAA implementation timeframe with business associates like payors and data clearinghouses

HIPAA Challenges Vendor eIssue Examples

- ❖ Vendors can no longer use one password or user ID to access customer sites for support purposes
- ❖ Vendors can not utilize “live” customer database for testing timeframe of and problems with a system upgrade for customer

HIPAA Challenges eHealth

- ❖ Applying HIPAA rules to eHealth portals and activities with global health care reach
(Example: HP's worldwide employee e-portals)
- ❖ Extending certain HIPAA requirements to eHealth activities and portals can be challenging
(Example: Employee Social Security numbers)

eHI's HIPAA Contribution

- ❖ Encouraging cohesive framework for thinking about technology and reimbursement amongst multiple stakeholders
- ❖ Working to achieve appropriate hardware and software interoperability

HIPAA Optimism

- ❖ **“HIPAA can be seen as a spoonful of medicine or an avenue to leverage and improve business. We choose to see it as an avenue to leverage and improve business.”**

Questions ?
