HIPAA
Leveraging
Privacy
Implementation
- Hospitals -
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Agenda

- CEO Stakeholders
  - Focus on physicians
- What can organizations do to help the provider
  - And improve provider relations

Stakeholders

- What stakeholders hold the CEO’s attention?
  - Physicians
  - Patients
  - Community
Leveraging HIPAA Privacy

- Primary hospital stakeholders
- Focus on physicians
- Components of HIPAA that hospitals can use to leverage physician relations
  - Organized Health Care Arrangement

Privacy Impact - Physicians

- Aggravation & confusion
  - Long period of denial – too much information to absorb
  - Changes too fast – here a rule there a rule – which rule when
  - Too few trusted sources – urban HIPAA legends & myths
    - Lawyers & consultants
- Hide the HIPAA

Privacy Impact – Physicians (cont’d)

- Concerned about denial of access to patient information
  - Role based access policies
  - Cumbersome access control
  - Research fears
  - Reimbursement fears
Privacy Impact – Physicians (cont’d)

- Procedure & process – or Forms and more forms
  - Notice, notice! – we don’t need no stinking notice!!
    - What acknowledgement?
    - Authorize what?
  - Consent – what happened to consent?

Privacy Leverage – General

- Become a trusted source of education
- Web based/CBT/LMS
  - Cost effective ($3-10/user)
  - Reuse for internal awareness training
  - Beware of content – caveat emptor
- Live presentations
  - Interactive – relationship building
  - CE Credits

Privacy Leverage – Access Control

- Clinician friendly access controls
  - Broad access for clinicians
    - Patient care takes primacy over privacy & security
    - May mean more audit trails
  - Shared workstation login controls
    - SSO – maybe?
    - Proximity badges
    - Follow-me desktops (Citrix)
  - Wireless PDA
Privacy Leverage – Organized Health Care Arrangement (OHCA)

- The friendly flexible OHCA
  - (1) A clinically integrated care setting
  - (2) An organized system of health care in which more than one covered entity participates – and…

Privacy Leverage – OHCA (cont’d)

- Hold themselves out to the public as participating in a joint arrangement; and participate in one of the following
  - Utilization review
  - Quality assessment & improvement
  - Payment (share risk)

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- Group Health Plan(s) maintained by same plan sponsor & insurers
Privacy Leverage – OHCA (cont’d)

- Single notice for all members of the OHCA
- Allows one member of the OHCA to perform services to or on behalf of members in the OHCA
  - Without becoming a business associate

- Second section of the business associate definition exempts OHCAs as business associates
- §164.506(c)(5) Allows OHCA members to share PHI for ANY health care operation (HCO) activity

Privacy Leverage – OHCA (cont’d)

- HCO includes a LOT of activities
  - Underwriting, health insurance contracting
  - Compliance, medical review, legal, & auditing
  - Business planning & development – e.g. formulary, coverage policies, improvement of payment methods
  - Business management – HIPAA compliance, customer service, analysis for plan sponsors (no PHI allowed)
  - Grievance resolution
  - Create de-identified info or limited data sets
Privacy Leverage –
OHCA (cont’d)

- Includes management & compliance activities
  - Notice of Privacy Practices – Layered
    - Email notices to patients
  - Patient HIPAA education materials
  - Notice acknowledgement forms/documents
  - Wall hangings – “Notice Art”, not to be confused with “OHSA Art” or “Labor Art”
  - Training to office staff

Privacy Leverage –
Review

- HIPAA is a source of confusion & consternation to the provider community
- Hospital CEOs can provide help to staff physicians
- CEOs can leverage HIPAA to provide resources and help to physician/provider community

Questions?

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