

# NCQA



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for Quality Assurance

**NCQA and HIPAA  
“A match made in ?”**

**The Fifth National  
HIPAA Summit**

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General Counsel,  
Chief Privacy Officer  
November 1, 2002**

# **NCQA: Mission is to improve the health of people everywhere**

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- Nonprofit accreditor with long standing commitment to protecting privacy
- Privacy standards pre-date HIPAA



# **NCQA: Programs and Data**

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- Accreditation & Certification Programs: HMO, PPO, Disease Management, Credentials Verification, Physician Organizations, Managed Behavioral Health, Human Research Protection
- Data Collection and Analysis: Measures development; assessment and reporting of quality performance

# HIPAA & Accreditation Reviews

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Accreditation & Certification Surveys:  
Rigorous reviews of the clinical and administrative systems necessary for quality care and service

- Includes file reviews containing Protected Health Information (PHI)



# HIPAA & QI Activities

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## Impact of the final privacy regulation:

- Clarified that the definition of “Health Care Operations” includes quality improvement activities, including accreditation [45 CFR 164.501]
- Eliminated the consent requirement when PHI is used or disclosed for Treatment, Payment and Health Care Operations (TPO) [67 FR 53182]

# Alignment of Accreditation Standards with HIPAA

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Changes effective July 2003: Consent

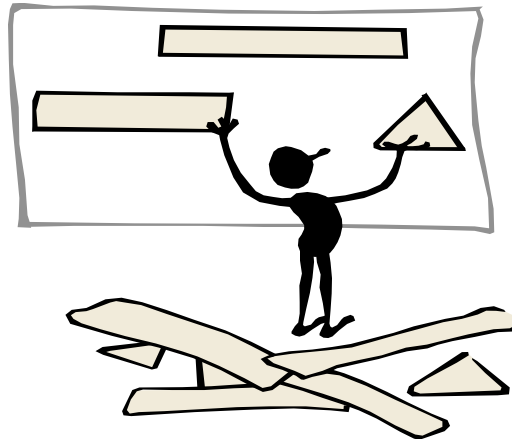
- Removed requirements for organizations to obtain routine consent
- For uses beyond TPO, authorization still required
- Must give notice of privacy practices (no signature required)

# Alignment of Accreditation Standards with HIPAA, cont.

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## Changes for 2003: Members' Rights

- Member must have rights to Access, Amend and Receive an Accounting of Disclosures
- Incorporated protections concerning disclosure of PHI to employers



# Alignment of Accreditation Standards with HIPAA (con't)

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## Changes for 2003: Definitions & Delegations

- Incorporate definition of PHI
- Privacy Officer
- Some BA requirements incorporated in delegation standards



# HIPAA Comparative Analysis

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For a comprehensive comparative analysis, see the AHLA publication “National Accreditation Standards and HIPAA: A Comprehensive Analysis.”

# HIPAA & Data Collection and Analysis

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HEDIS<sup>®</sup>: A set of measures (HEDIS, CAHPS<sup>®</sup>, HOS) used to assess the quality of clinical care and services provided. Involves the collection of data containing PHI.

- Measures development
- Assessment and reporting of quality performance



# HIPAA & HEDIS

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Analysis of HEDIS - related activities under HIPAA:

- Final rule removed obstacles to requiring access to HEDIS data
- Data Use Agreement (DUA) required for NCQA
- Limited Data Set applies



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# NCQA HIPAA Readiness: Business Associate Contract

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Draft Business Associate Contract  
Addendum Addresses:

- Business Associate Contract Provisions Required by the Privacy Regulation
- NCQA's Data Collection Activities - data aggregation
- Data Use Agreement

# Business Associate Contract (Con't)

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Timeline for BA Addendum:

- Currently being field tested – comments due by 11/06/02
- Final version completed by 11/22/02 and mailed to all NCQA accredited and certified covered entities

# NCQA HIPAA Readiness: Internal Operations

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## Privacy & Security Protections

- Tracking requests for Access, Amendments and Accounting of Disclosures
- Data Use, Storage and Disposal
- Data Transmission



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# Certification for Business Associates

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- NCQA is developing a program to certify privacy practices of business associates
- Goal: To provide “Satisfactory safeguards” of privacy practices
- Includes self assessment, review of policies and procedures and on-site review



# Certification for Business Associates

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Why get certified or require certification?

- Reduces costs of due diligence and oversight
- Makes contracting easier
- Demonstrates reasonable safeguards and potentially reduces liability
- May result in insurance discounts



# Certification for Business Associates

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Areas covered under draft standards:

- Internal Operations (self-assessment, internal safeguards, personnel, breaches of protections)
- Covered entities and agents (contracts, uses & disclosures)
- Consumer Rights (access & amendments to PHI, accountings & disclosures, authorizations)
- Use and disclosure of PHI (tracking, accountings, minimum necessary, security, de-identification)

# Certification for Business Associates

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- Draft standards public comment mid-November
- Final standards mid-April 2003
- Surveys commence June 2003
- Early adopters December 31, 2003
  - First 10 get 20% discount

# NCQA HIPAA Contacts

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