

*JCAHO – A HIPAA Business  
Associate  
National HIPAA Summit*

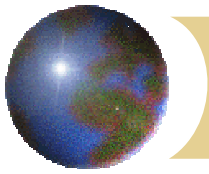
Anthony J. Tirone, JD, MBA

Director, Federal Relations

Joint Commission on Accreditation of Healthcare

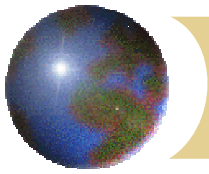
Organizations

November 1, 2002



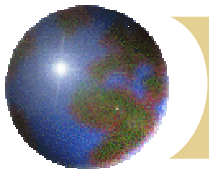
# *Joint Commission on Accreditation of Healthcare Organizations*

- ❖ Private, not for profit corporation
- ❖ Oldest and largest accreditation organization
- ❖ Founded in 1951



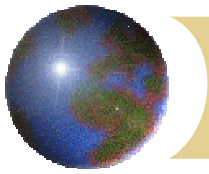
## *Mission of the Joint Commission*

- To continuously improve the safety and quality of care provided to the public through the provisions of health care accreditation and related services that support performance improvement in health care organizations



# *Joint Commission*

- Accredits over 17,000 health care organizations in 8 program areas:
  - Hospitals
  - Health care networks
  - Home care, including hospice and DME
  - Nursing homes

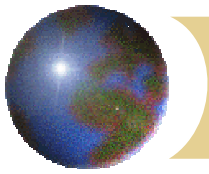


# *Joint Commission*

- ❑ Behavioral health care
- ❑ Ambulatory care
- ❑ Assisted living
- ❑ Clinical laboratories

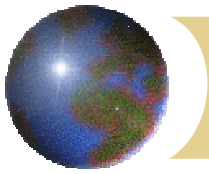
And:

- ❑ Disease Management Program
- ❑ Office Based Surgery



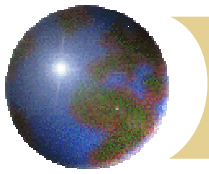
## *Public/ Private Partnership*

- Congress established the basis for the public private partnership in the original Medicare legislation
- Hospitals accredited by the Joint Commission are “deemed” to meet health and safety requirements
- Secretary could approve other organizations if standards and process equivalent to Medicare



# *Federal Recognition of Joint Commission Accreditation*

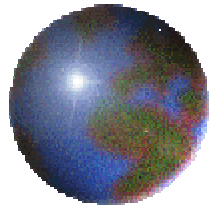
- ⊕ Medicare program:
  - ⊠ Hospitals
  - ⊠ Home care
  - ⊠ Hospice
  - ⊠ Ambulatory surgical centers
  - ⊠ Clinical laboratories
  - ⊠ Medicare+ Choice
  - ⊠ Critical Access Hospitals



# *State Recognition of Joint Commission Accreditation*

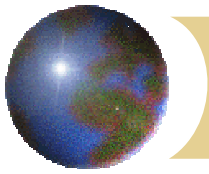
⊕ Hospitals	45 states
⊕ Behavioral care	45 states and D.C
⊕ Home care	20 states
⊕ Laboratories	28 states
⊕ Ambulatory care	18 states
⊕ Assisted living	1 state
⊕ Net works	21 states





*Accreditors Are Business  
Associates of The Covered  
Entities They Accredit*

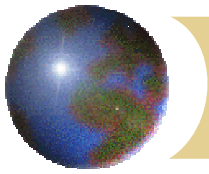
A Business Associate Agreement Is  
Required Between the Accreditor and  
the Organizations They Accredit



# *Implementation of HIPAA*

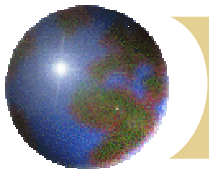
## ❖ Joint Commission is:

- ❑ Publishing internal policies on the confidentiality of personally identified health care information
- ❑ Reviewing standards for consistency with HIPAA requirements
- ❑ Developing a model Business Associate Agreement



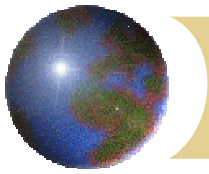
## *JCAHO Internal Policies*

- Explicit policies for employees regarding access and protection of individually identifiable health information
  - Access only when necessary
  - Safe guard at all times
  - Disclose only in accordance with the purpose for which it was obtained



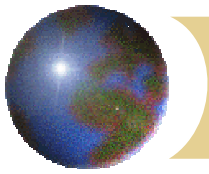
## *JCAHO Standards*

- Review of standards completed
- Finding:
  - Standards are consistent with HIPAA
  
  - Standards lack some of the detailed requirements of the regulation:



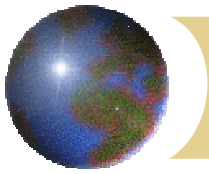
# *JCAHO Standards*

- Systems designed to allow timely & easy use of data w/o compromising security / confidentiality
- Info protected against loss, destruction, tampering, & unauthorized use
- Organization demonstrates respect for patient privacy & confidentiality
- Organization complies w/state & federal law & regulation



## *HIPAA Specifics not covered*

- ⊕ Accounting of disclosure
- ⊕ Right of access
- ⊕ Right to request amendment
- ⊕ Right to request restrictions
- ⊕ Specifics for de-identification
- ⊕ Specifics for content of consent/authorization
- ⊕ Some specifics under administrative section

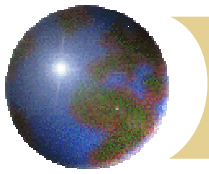


# *JCAHO Standards*

## ⊕ Planned changes:

### ⊕ Will add requirements for :

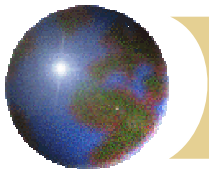
- Patient access to records
- Ability of the patient to request changes or correction of the record
- Changes will be effective January 2004



## *JCAHO Accreditation Survey*

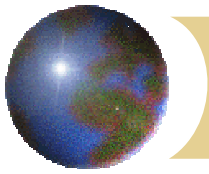
- ❖ The survey will measure compliance with our standards,
- ❖ Compliance with our standards is indicator that the organization is in compliance with HIPAA
- ❖ We will not be certifying compliance with HIPAA





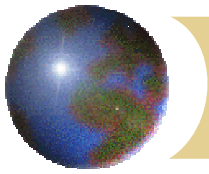
## *Business Associate Agreement*

- ❖ Developing a model agreement to be used for all accredited organization
- ❖ The agreement is currently being finalized after review of comments from various provider representatives
- ❖ Will be available December 2002



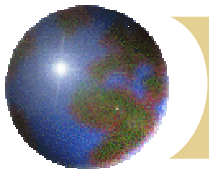
# *Business Associate Agreement*

- Agreement will be an addendum to the application for survey
- Completed electronically, if possible
- The addendum will include:
  - The obligations of the Joint Commission
  - Obligations of the surveyed organization
  - Meet all the requirements of HIPAA



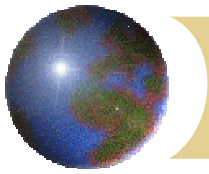
## *Summary*

- ❖ Joint Commission standards are consistent with HIPAA requirements
- ❖ Changes will be made to the standards to address a persons right to access or request a change in their records
- ❖ Changes will be effective 2004



## *Summary*

- ❖ Implementation of the Business Associate agreement requirement will commence with applications filed in Jan. 2003
- ❖ Agreements executed with all accredited organizations by April 14, 2004, as required
- ❖ A model agreement will be used to minimize the cost and complexity of implementation



## *Contact Information*

✚ Anthony J. Tirone

✚ Telephone: 202 783-6685

✚ E-mail: [ATirone@JCAHO.Org](mailto:ATirone@JCAHO.Org)