What to Do Now: Operational Implementation of HIPAA Privacy and Security Training

Presented by:

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BIG
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◆ **Virtual Consortium of health care information systems consulting firms founded in 1995**

◆ **Internet-Based**

– **Company website: www.boundary.net**

– **BIG HIPAA Resources: www.hipaainfo.net**

◆ **Senior Consultants with HIPAA Leadership Experience Since 1992**

◆ **Clients include:**

– **Hospitals and multi-hospital organizations**

– **Medical groups**

– **Health plans**

– **Vendors**

Workgroup on Electronic Data Interchange

◆ **Nonprofit Trade Association, founded 1991**

◆ **213 organizational members**

   – **Consumers, Government, Mixed Payer/Providers, Payers, Providers, Standards Organizations, Vendors**

◆ **Named in 1996 HIPAA Legislation as an Advisor to the Secretary of DHHS**

◆ **Website: www.wedi.org**

◆ **Strategic National Implementation Process (SNIP) – snip.wedi.org**

◆ **WEDI Foundation formed in 2001**

◆ **Steven Lazarus, WEDI Chair**

Workforce Definition

◆ **Workforce means employees, volunteers, trainees, and other persons whose conduct, in the performance of work for a covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity.**

Privacy Training Requirements, April 14, 2002, and Operational Issues

- ◆ **§164.530(b)(1) Standard: Training**
  - Train all members of the Covered Entity workforce
    - Identify all workforce members
  - Train to the Policies and Procedures
    - Need to create the Policies and Procedures before training
    - Training needs to be specific to the workforce functions

Privacy Training Requirements, April 14, 2002, and Operational Issues

- ◆ §154.530(b)(2) Implementation Specifications: Training
  - – (i)(A) by the compliance date for the Covered Entity
    - • April 14, 2002 or April 14, 2003
    - • For all current workforce members
  - – (i)(B) Thereafter, to each new workforce member within a reasonable time after joining workforce
    - • Each Covered Entity needs to define reasonable time
  - – (i)(C) Thereafter, to each workforce member where functions are affected by a change in Policies and Procedures
  - – (ii) Must document training

Security NPRM Training: August 12, 1998 and Operational Issues

◆ **142.308 Security Standard**

  – **(a)(12) (Administrative) Training: Security Awareness**

    • **Password management**

    • **Incident reporting**

    • **Virus protection**

    • **Log-in access inventory**

Security NPRM Training: August 12, 1998 and Operational Issues

◆ **§142.308 Security Standard**
  – (b)(6) (Technical) Security awareness training
    • Includes the workforce and contractors

Achieving Effective Privacy

- ◆ **Need good Security to achieve Privacy**
- ◆ **Privacy Regulation requires Security**
- ◆ **Reminders, periodic training, and "breach monitoring" reporting and management will be needed to achieve effective Privacy**

Training Issue Options

◆ **Define workforce categories**
  – **Few workforce categories**
    • **Easy to administer**
      – **Assign workforce to courses**
    • **Less customization to create and maintain**
  – **Many workforce categories**
    • **May be difficult to administer**
      – **Complex management of workforce to training content choices**
    • **Potential to highly customize content to workforce categories**

Training Issue Options

- Practical Issues
  - Identify source of workforce lists, identifications and passwords
  - Include employees, physicians, volunteers, long-term contract renewal (e.g., Medical Director in a health plan)
  - Use Human Resource application if capable
    - Names
    - Job categories
    - Identifications and passwords from another source
  - Keep passwords and identifications secure

Training Issue Options

◆ **Tests**

– **Use to document learning for compliance**

– **Set passing score**

– **Consider Continuing Education credits (can not change content significantly and maintain credits)**

Training Issue Options

- **Training Options**
  - In person – classroom
    - Can customize
    - Questions and answers addressed by trainer
    - Difficult to schedule for new workforce members
    - Can use paper or automated testing

Training Issue Options

- Video or Workbooks
  - Can not customize
  - No questions and answers
  - Need VCRs and/or supply of Workbooks
- E Learning
  - May be able to customize
  - Limited questions and answers
  - Flexible schedule for training for current and new workforce
  - There may be technological barriers depending on delivery mode

Training Cost

- **Cost/Budget**
  - Product
    - Fixed price
    - Per course per person
    - Maintenance
  - Customized setup
    - Policies and Procedures
    - State Law pre-emption for Privacy
    - CEs
    - Assign courses to individuals

Training Cost

- Workforce training time
    - Salaries and benefits
    - CE offset
- CE value/budget
- Technology
    - Several VCRs, monitors, and rooms, website
    - Support – internal and external
- Administrative
    - Record keeping
    - Management

Setup Issues

- ◆ **Setup Time and Resources**
  - – **Assignment of internal staff/outsource**
  - – **Initially may require dedicated staff, rooms, and equipment**
- ◆ **Pilot Training**
  - – **Evaluate learning**

Logical Sequence of Activities

- ◆ **Complete gap analysis for Privacy and Security**
- ◆ **Identify Privacy State law issues**
- ◆ **Create/revise policies, procedures, and forms**
- ◆ **Approve policies, procedures and forms**

Logical Sequence of Activities

◆ **Select training mode (and product)**

◆ **Train work force**

◆ **Test all forms**

◆ **Test all work flows**

◆ **Monitor incidents**

Key Dates and Milestones

◆ **September – October, 2002**

- Complete Privacy and Security Gap Analysis

- Develop/revise policies, procedures, and forms

- Designate Chief Privacy Information Official

- Identify technology to support Privacy and Security

- Develop budget and obtain approval for 2002 and 2003

- Increase HIPAA awareness

- Create a complete list of Business Associates

Key Dates and Milestones

◆ **November – December, 2002**

 – **Select training method for Privacy and Security**

 – **Identify HIPAA training content options, including State issues**

 – **Select HIPAA training options**

 – **Approve all new policies, procedures and forms**

 – **Create and approve new Business Associate contract language**

Key Dates and Milestones

◆ **January, 2003**
  – Implement Privacy and Security technology
  – Set up training lessons and pilot them

◆ **February – March, 2003**
  – Train existing workforce
  – Test forms
  – Pilot work flows
 – Complete contracts with Business Associates who have no current agreement

Key Dates and Milestones

- **By April 14, 2003**
  - Use new forms for all patients
  - Train all new workforce members
  - Answer patient questions
  - Document full compliance with Chief Privacy Information Official or Compliance Officer
  - Implement incident reporting and monitoring

HIPAA READINESS
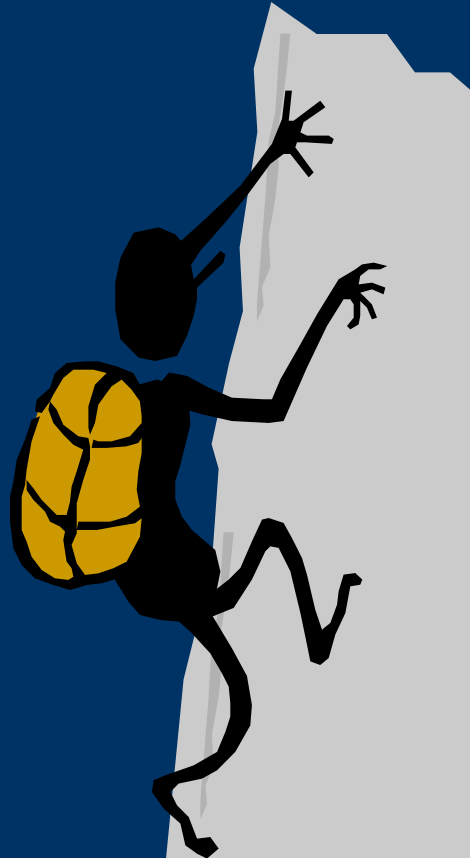
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