

National HIPAA Summit VII

HIPAA – Where Do We Stand Now?

Session 2.01

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September 15, 2003

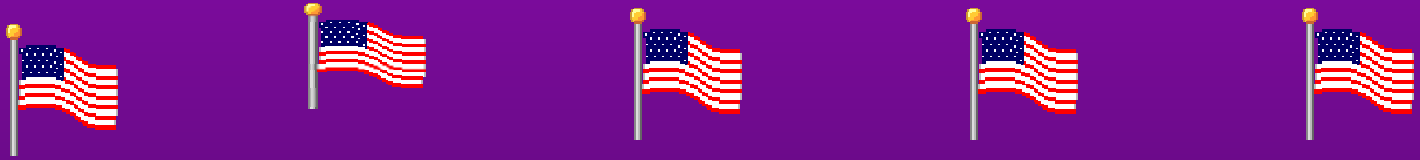
Marriott Waterfront Hotel
Baltimore, Maryland

Agenda

- **How Well Has the Industry Done?**
- **Review of Preparations**
- **Were They Adequate?**
- **What Has Been the Impact on HIM?**
- **Training**
- **Unauthorized Disclosures**
- **Non-Routine Disclosures and Accounting**
- **Lessons Learned**

How Well Has the Industry Done?

- **Why HIPAA?**
- **Public understanding?**
- **We the people!**
- **People power**
- **In-house directory**



Individual Rights

Right to Privacy

...The right to privacy is an integral part of our humanity; one has a public persona, exposed and active, and a private persona, guarded and preserved. The heart of our liberty is choosing which parts of our lives shall become public and which parts we shall hold close.

Justice Blatz, Minnesota Supreme Court

How Well Has the Industry Done?

- **Consumer awareness - AARP**
- **Preparation**
- **Policies and procedures**
- **Frequently asked questions**

Review of Preparations

- ✓ Privacy notice
- ✓ Complaint process
- ✓ Policies and procedures
- ✓ Training
- ✓ Scanning into HR files
- ✓ Certificates
- ✓ Accounting of disclosures

At Least We Have These!

- **Privacy official with job description**
- **Privacy principles**
- **Education of workforce**
- **Notice of information practices**

More Policies

- **Patient Rights**
 - **Amendment denial process**
 - **Restrictions**
 - **Rights to confidential information (alternate method of communication)**
 - **Access denial process**
 - **Accounting of disclosures**

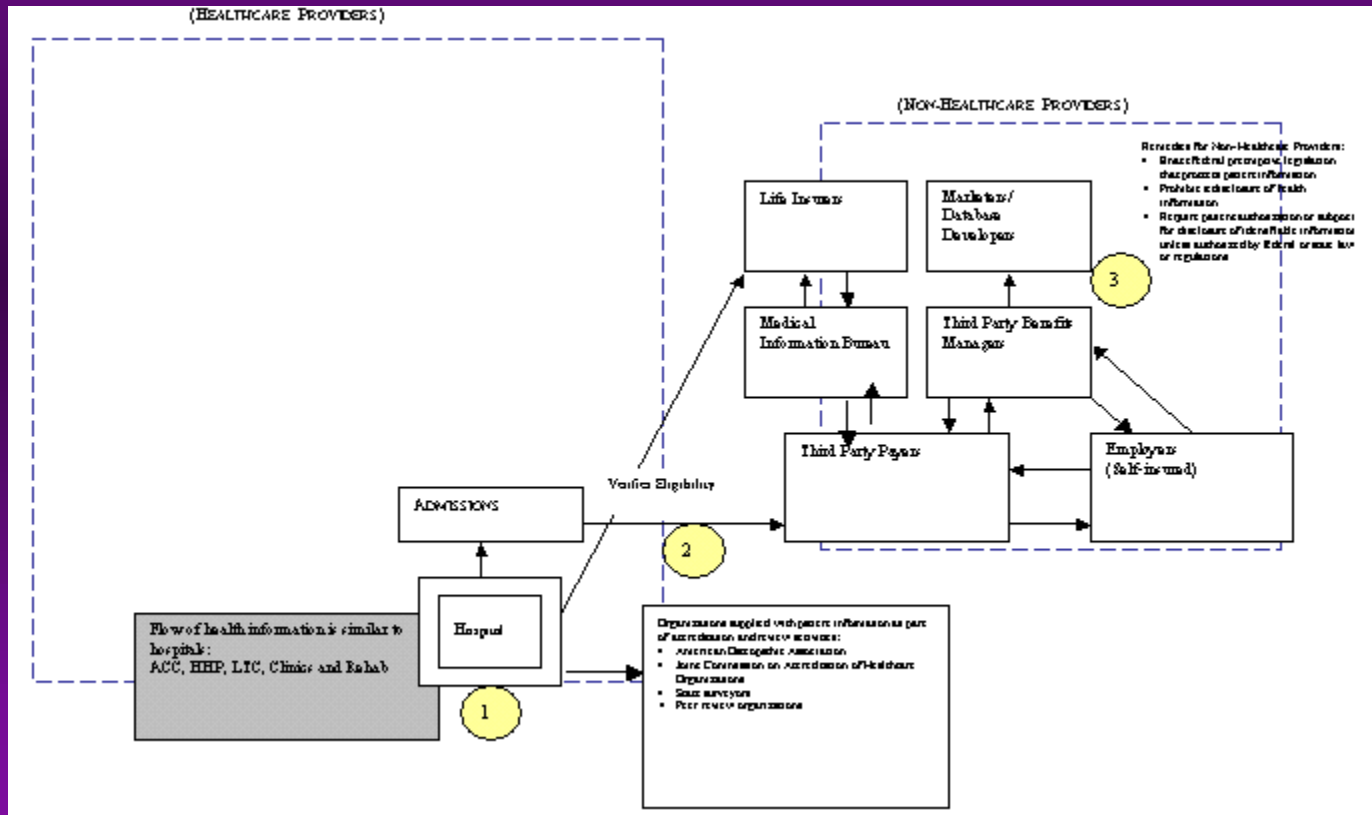
And More Policies

- **Research**
- **Family/friend access**
- **Media inquiry**
- **Human resource policy revisions**

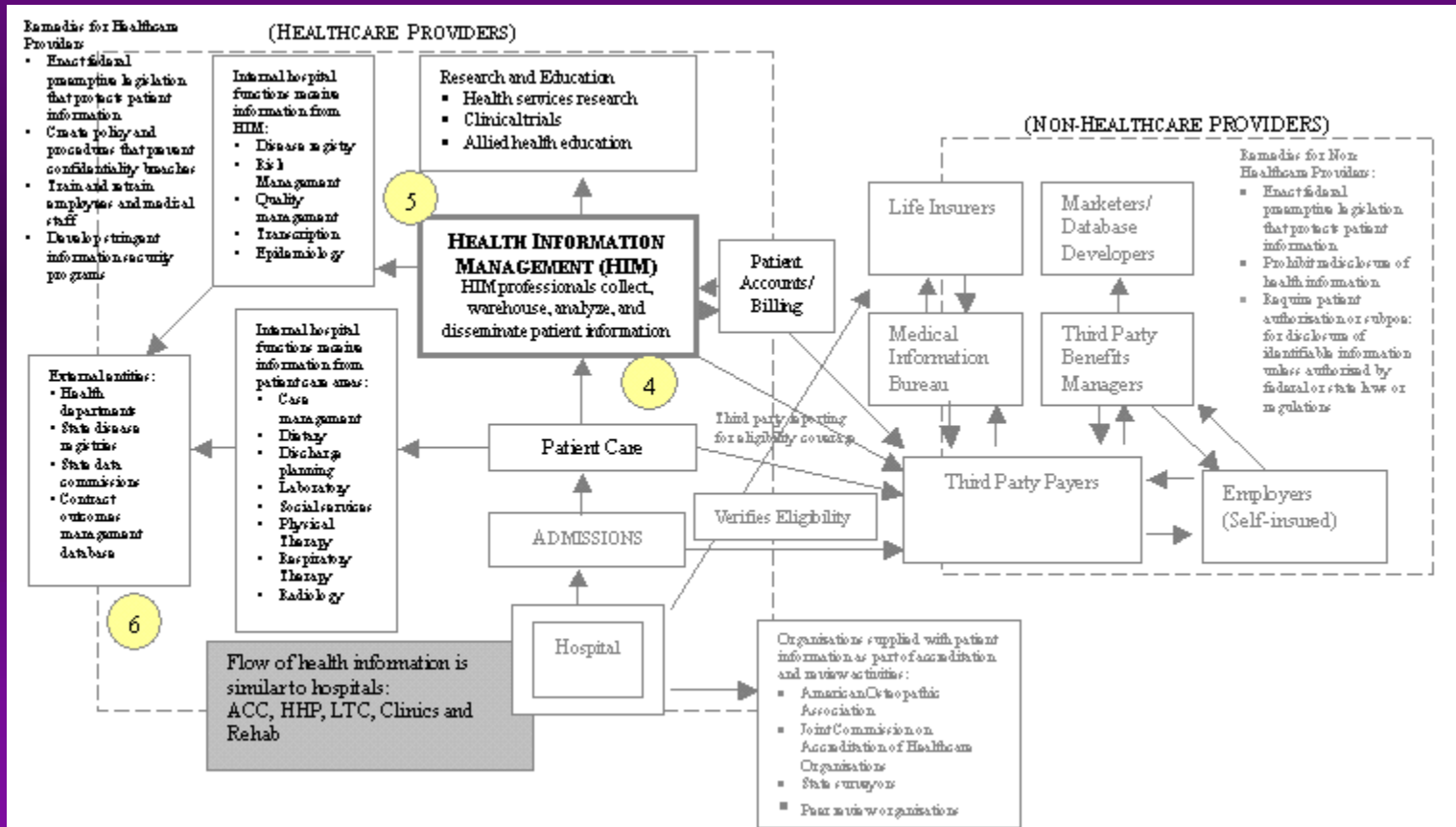
Were They Adequate

- **Privacy notice – revisions**
- **Inclusions – state agencies**
- **Overall**

Where Are Requests for PHI Processed?



High Percentage - HIM



What Has Been the Impact on HIM?

- Requests for PHI disclosure returned
- Fewer requests for PHI
- Attorneys in oblivion
- Tremendous correspondence
- Constant reinforcement
- Administration understanding dilemma
- Recognition for HIM profession
- Team work

Training

- **Locating every member of workforce with access to PHI**
- **Keeping log and documentation**
- **Reinforcement – newsletter**
- **Keep momentum – professional journals**
- **Communities of practice**
- **OCR, HCCA, AHIMA, JCAHO, CMS**

Role Specific	CEO/Admn	NRG MGT	Medical Staff	Privacy Officer	Corp. Compl.	HIM Staff / Unit Secretaries	I. S. Staff	DSD	Lic Nurse Direct	Lic Nurse Agency or Students	CNA (Direct or Agency)	Business Office	SS Staff	Dietary & Act MGT	SS Dir/ Mgt	ACT/DIET Staff	House / Laun Maint	Volunteers	Chaplain *	Rehab Staff	Marketing/Fun	Board of Dir	Registration Admissions	HR / ADMIN	Business Associates	Other
General HIPAA Orientation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Minimum Necessary for Job	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Facility Directory	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Communication To Family and Friends	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓			✓	✓	✓	✓
Minimum Necessary for Disclosure & Request		✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓								✓		✓	✓
Notice of Privacy Practices		✓		✓	✓	✓		✓	✓			✓	✓	✓	✓								✓			
Marketing & Fundraising	✓			✓	✓	✓		✓		✓		✓										✓			✓	
Consent for Use & Disclosure				✓	✓	✓			✓	✓	✓	✓		✓	✓								✓			
Authorization for Use & Disclosure		✓		✓	✓	✓		✓	✓	✓		✓		✓	✓								✓			
Individual Request Restrictions		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓			✓			
Individual Access PHI		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓			✓			
Amendment of PHI		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓								✓			
Accounting of Disclosure		✓	✓	✓	✓	✓	✓					✓		✓	✓					✓						
Specific Allowable Use & Disclosure				✓	✓	✓																				
De-Identification	✓	✓	✓	✓	✓	✓	✓					✓											✓			
Preemption of State Law		✓		✓	✓	✓							✓													
Complaint Process	✓	✓		✓	✓	✓							✓	✓	✓											
Business Associate	✓	✓		✓	✓							✓											✓		✓	
Best Practices in Privacy & Security	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓				✓			✓	✓		
Administrative Requirements	✓			✓	✓																					
Role Specific	CEO/Admn	NRG MGT	Medical Staff	Privacy Officer	Corp. Compl.	HIM Staff / Unit Secretaries	I. S. Staff	DSD	Lic Nurse Direct	Lic Nurse Agency or Students	CNA (Direct or Agency)	Business Office	SS Staff	Dietary & Act MGT	SS Dir/ Mgt	ACT/DIET Staff	House / Laun Maint	Volunteers	Chaplain *	Rehab Staff	Marketing/Fun	Board of Dir	Registration Admissions	HR / ADMIN	Business Associates	Other
Training Method: V =Video I = In-service (lecture) C =Computer Based T =Text																										

* For individual's chaplain. If hospital chaplain, see Social Service Director/MGT.

Responsibilities and Role

- **Business associate agreements and contracts**
- **Negotiating**
- **Administering sanctions**
- **Mitigation**
- **Management of patient review and amendment process**
- **Patient relations**
- **Information security**

FAQ

- **Workers' compensation**
- **Patient representative**
- **Inmates**
- **Any and all**
- **Viewing**
- **Non-routine disclosures**

Exceptions

- **Workers' Compensation**
- **Office of State Medical Examiner (OSME)**

Work Plan - Audit

- **List policies/procedures to revise**
- **Communication events - plan many and perhaps a few fairs (market share)**
- **Education plan for each policy or procedure revised**
- **Compliance audit - how will you know if your policies and procedures are being followed?**
- **Reinforcement**
- **Do you have a plan?**

Unauthorized Disclosures

- **Facsimile**
- **Via snail mail**
- **Via e-mail**
- **Verbally – over the telephone**
- **Sanctions**
- **Mitigation**

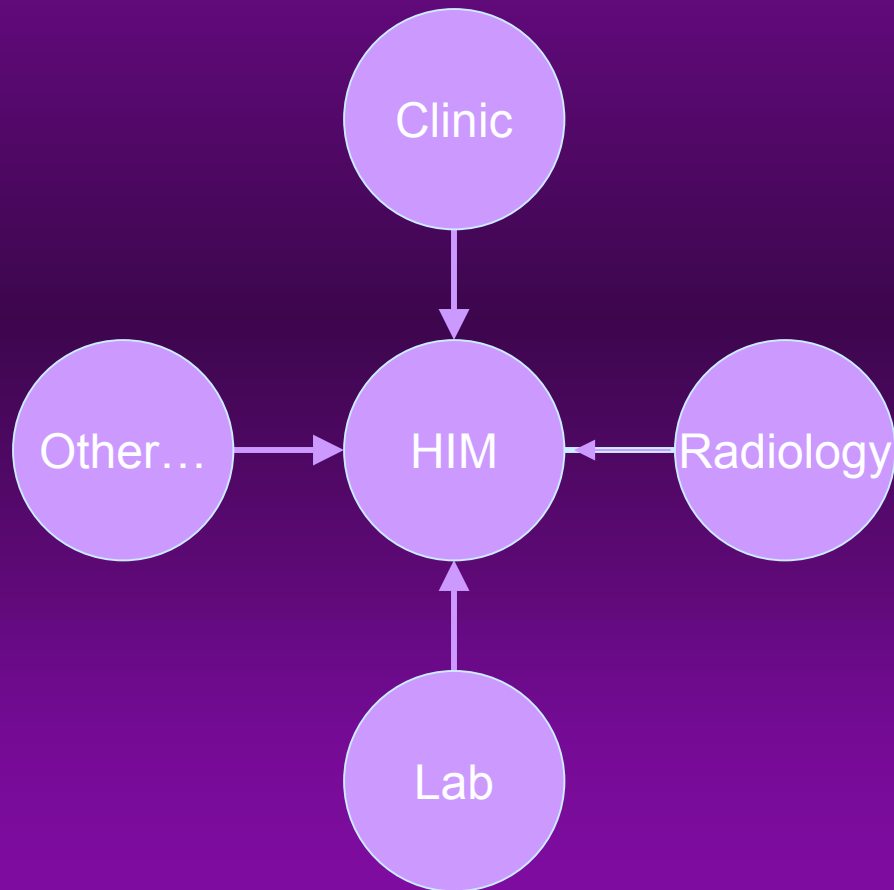
Non-Routine Disclosures and Accounting

- **Section 164.528 describes what does NOT need to be accounted for ...**
- **What is left?**
 - ✓ **Birth/death, communicable diseases, cancer, other registries, domestic violence and abuse**
 - ✓ **Incident reporting**
 - ✓ **Research (patient did not sign authorization) under IRB or privacy board waiver**
 - ✓ **BA disclosures not for TPO**

Disclosure Reporting Service (DRS)

- **HIPAA mandates that all facilities provide protected health information disclosure reports to all patients requesting their information-April 14, 2003**
- **DRS captures, tracks, maintains and reports on all requests to view any portion of patients' protected health information.**

HIM is the Hub



- Requests logged in at other areas are collected on a server.

- HIM will have the ability to enter data, suspensions, restrictions and to print reports (Responds +)

- Ancillary areas are data entry points only (Disclosure Wizard)

Disclosure Reporting Services

Track and report disclosures of patient medical information from any department

- HIPAA compliance
- Rapid response to requests
- Minimize expense

- Each disclosure of health information is logged by chart management associates or by hospital employees in ancillary departments like lab and radiology. Whenever a patient asks the question, “who has seen my record?” Step up to the computer and in seconds provide the answer.

Needed where:

- ✓ No method of hospital-wide disclosure capture before Apr 14
- ✓ Overstretched information systems staff
- ✓ Desire for high-quality low-cost solution

Boyle Medical Center - Non-Routine Disclosures Accounting Report

Disclosure requested on 10/10/02 by Doe, John for period covering 11/21/96 - 11/21/02

MRN# 123456789 Birth Date: 01/01/42 Social Security: ***-**-6789

Report Date: 11/21/02 Elapsed Time: 42 Day(s)

Following is an accounting of disclosures made by Boyle Medical Center for the period specified above. Boyle Medical Center is required by law to provide this list to you. If you have any questions regarding this account, please contact Patient Services at (408)865-5168.

Date	Recipient	Information Sent*	Purpose	Information Provided by
06/07/02	ACCIDENT INSURANCE 2323 RED RD ANYWHERE, CA 32232 Via USPS	Episode of 01/01/01 - 01/10/01 Anesthesia Report, Discharge Summary, History & Physical, MRI, Nurses notes, Physician Orders, Recovery Room Records, Stress Test	Life Insurance	Radiology SU
07/15/02	LAW OFFICES OF JAY MILLER 12345 BROAD STREET ANYWHERE, CA 23232 Via FED-EX	Episode of 01/01/01 - 01/10/01 Abstract, Discharge Summary, Face Sheet, History & Physical	Adoption	Radiology RA
08/21/02	STATE FARM INSURANCE PO BOX 453 ANYWHERE, CA 122334 Via Pick Up	Episode of 02/01/01 - 02/15/01 Stress Test	Auto Insurance	Medical Records MR
09/12/02	WARWICK, BOYLE, WARWICK 4564 SOUTH PLAZA TRAIL SUITE 344 PHOENIX, AZ 2343 Via Pick Up	Episode of 01/01/01 - 01/10/01 Abstract, Discharge Summary, Face Sheet, FlowSheets, History & Physical	Adoption	Laboratory LA

Disclosure Report - Self

ChartOne General Hospital - Patient Information Disclosure Report

168542-2

Disclosure requested on **7/20/2006** by **Martha Smith** for period covering **05/14/2004 - 06/19/2006**

MRN#: 09-32-87 Birth Date: 04/26/1953 Social Security: ***-**-5419

Report Date: **8/1/2006** Elapsed Time: 12 Days

Following is an accounting of disclosures made by ChartOne General Hospital for the period specified above. ChartOne General Hospital is required by law to provide this account to you. If you have any questions regarding this account, please contact Patient Services at (800) 23-HIPAA

Date	Recipient	Information Sent*	Purpose	Information Provided by
10/12/2004	San Francisco Superior Court San Francisco, CA 55142	Episode of 08/13/2004 Designated Record Set	Defendant Subpoena	Medical Records - Main Campus
2/13/2005	SFPD - Special Branch San Francisco, CA 55142	Episode of 1/13/2005 Lab Reports	Investigation	Medical Records - Main Campus
8/10/2005	David Cheatem, Esq. Cheatem & Howe 2313 San Fernando Ste 101 San Francisco, CA 55142	Episode of 6/02/2005 History & Physical Discharge Summary Consultations, Trauma Records, Operative Report, Pathology Reports, Progress Notes, Anesthesia, EKG, Lab Reports, Medication List	Litigation - Plaintiff's Attorney	Medical Records - Main Campus
4/3/2006	Vocational Rehabilitation of Santa Rosa 3241 Carlos Blvd. Santa Rosa, CA 56198	Episode of 3/10/2006 Discharge Summary History & Physical	Placement	Medical Records - Main Campus
5/1/2006	State Farm Insurance 101 Good Hands Road San Carlos, CA 54818	Episode of 6/02/2005 History & Physical, Discharge Summary, Consultations, Trauma Records, Operative Report, Pathology Reports, Lab Reports	Underwriting New Policy	Medical Records - Main Campus

* See other side for definitions

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Disclosure Report Self (Suspension)

ChartOne General Hospital - Patient Information Disclosure Report					168432-1
Disclosure requested on 7/20/2006 for Martha Smith by Jo Revis (HIM Director) for period covering 05/14/2004 - 06/19/2006					
MRN#: 09-32-87	Birth Date: 04/26/1953	Social Security: ***-**-5419	Report Date: 7/21/2006	Elapsed Time: 1 Day	
This accounting of disclosures, for the period specified above, is for internal use only . Kindly adhere to local, state and federal laws in the handling of this document. This document must be returned to ChartOne General Hospital Medical Records for destruction.					
Date	Recipient	Information Sent*	Purpose	Information Provided by	
10/12/2004	San Francisco Superior Court San Francisco, CA 55142	Episode of 08/13/2004 Designated Record Set	Defendant Subpoena	Medical Records - Main Campus	
2/13/2005	SFPD - Special Branch San Francisco, CA 55142	Episode of 1/13/2005 Lab Reports	Investigation	Medical Records - Main Campus <i>Orally Suspended by Ofc. J. Gettem: 2/16/2005 - 3/10/2005</i>	
8/10/2005	David Cheatem, Esq. Dewey, Cheatem & Howe 2313 San Fernando Suite 101 San Francisco, CA 55142	Episode of 6/02/2005 History & Physical Discharge Summary Consultations, Trauma Records, Operative Report, Pathology Reports, Progress Notes, Anesthesia, EKG, Lab Reports, Medication List	Litigation - Plaintiff's Attorney	Medical Records - Main Campus	
4/3/2006	Vocational Rehabilitation of Santa Rosa 3241 Carlos Blvd. Santa Rosa, CA 56198	Episode of 3/10/2006 Discharge Summary History & Physical	Placement	Medical Records - Main Campus	
5/1/2006	State Farm Insurance 101 Good Hands Road San Carlos, CA 54818	Episode of 6/02/2005 History & Physical, Discharge Summary, Consultations, Trauma Records, Operative Report, Pathology Reports, Lab Reports	Underwriting New Policy	Medical Records - Main Campus	
* See other side for definitions					
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Disclosure Report (Parent for Minor)

ChartOne General Hospital - Patient Information Disclosure Report

167324-3

Disclosure requested on **12/10/2005** by **Samuel Smith** for period covering **05/14/2004 - 09/25/2005** regarding patient **Paula Smith (minor)**

MRN#: 19-32-87 Birth Date: 07/14/2002 Social Security: ***-**-3785

Report Date: **12/18/2005** Elapsed Time: **8 Days**

Following is an accounting of disclosures made by ChartOne General Hospital for the period specified above. ChartOne General Hospital is required by law to provide this account to you. If you have any questions regarding this account, please contact Patient Services at (800) 23-HIPAA

Date	Recipient	Information Sent*	Purpose	Information Provided by
6/19/2004	Dr. Sam Lepler 123 Main Street Los Gatos, CA 54123	Chest Exam report	New physician record transfer	Radiology Department - Building 7 - Santa Clara
7/13/2004	Dr. Elliot Dopler 314 South Street Santa Clara, CA 54123	Episode of 6/4/2004 History & Physical Discharge Summary Lab Reports	Referral	Medical Records - Building 3 - Sunnyvale
8/10/2005	Aetna Insurance 4673 State Street Los Angeles, CA 91254	Episode of 6/10/2005 Chest X-Ray Discharge Summary Lab Reports Medication List Arterial Blood Gas	Disability Determination	Medical Records - Building 3 - Sunnyvale

* See other side for definitions

DATE: 12/18/2005

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Lessons Learned To Date

- **Patients have a new power**
- **More education is good business**
- **Frivolous complaints minimized**
- **Credible vendors using new software**
- **Automated non-routine disclosure accounting**
- **Increased patient satisfaction and larger more loyal patient base**
- **Patient confidence**
- **Increased market share**

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HIPAA – It's a Good Thing



Questions and Answers

