



HIPAA Privacy Rule Clean-Up Following Compliance Date

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Maintaining momentum:

- ✦ Clear up misunderstandings
- ✦ Review and consider operational realities of policies, procedures and forms
- ✦ Improve and streamline forms and processes
- ✦ Address the details
- ✦ Promote awareness
- ✦ Continue support of senior management

Clean up!

- ★ Policy, procedure, and form improvements

- ★ Review/revise
- ★ Streamline
- ★ Customer-friendly/employee-friendly
- ★ Automate where possible
- ★ Website

- ★ Documentation

- ★ Tracking

- ★ Audit
- ★ Ensure tracking system allows for appropriate access

Clean Up cont'd

- ★ Enforce policies and procedures

- ★ Ensure compliance
- ★ Do they achieve intended results?
- ★ Train as needed

- ★ Culture change

- ★ Expect individuals to exercise rights
- ★ Reinforce minimum necessary standard
- ★ Safeguards
- ★ Compliance is a continual effort

Training for Success

- ✦ Follow-up training
 - ✦ Survey/questionnaires
 - ✦ Identify and resolve new issues
- ✦ On-going training requirements
 - ✦ New employees/new responsibilities for existing employees/changes in policies and procedures
- ✦ Awareness training
- ✦ Raise confidence

Training For Success cont'd

☀ Know your audience

- Business needs
- User-friendly
- Practical reality of their work worlds

☀ Theme

- Fun
- “Trigger”
- Involve employees
- Carry theme across all training formats

☀ Variety of formats/materials/resources

- Web-based, classroom, handouts, videos

Auditing

Implementation – not the grand finale

☀ Monitor

- Assign responsibility
- Determine what to monitor
- Create monitoring process

☀ Test

- Follow workflows
- Observe/evaluate real work scenarios
- Create “imposter” situations

Auditing cont'd

☀ Analyze and evaluate

- ☀ What were the results?
- ☀ What do they mean?
- ☀ Do auditing methods produce useful compliance measurements?
- ☀ Were goals met?

☀ Recommendations/revisions

- ☀ Determine effectiveness of privacy program
- ☀ Make changes, if necessary
- ☀ Document

☀ Monitor (cyclical process)

Auditing Business Associates

- ★ Determine importance of each business associate to your organization
 - Review what services they perform for you or on your behalf
 - Review the type of information they use and disclose as your business associate
 - Analyze risk/liability
 - Analyze volume of PHI
 - Identify areas/relationships that may be prone to noncompliance

Business Associates

Addressing challenges with business associates

- ★ “Reasonable steps” to ensure compliance
- ★ Individual rights
- ★ Administrative, technical and physical safeguards
- ★ Training
- ★ Indemnification and third party beneficiaries
- ★ Agent/subcontractor B.A. requirements

Business Associates cont'd

- ✦ Oversight and due diligence
- ✦ Reporting and mitigating violations
- ✦ Breach and termination
- ✦ Identify need for B.A. agreements as new B.A. relationships arise.
- ✦ Internal tracking/maintenance of B.A. agreements

Complaints- How to Handle?

☀ Process in place

- ☀ Assign responsibility
- ☀ Implement policies and procedures
- ☀ Adhere to documentation requirements

☀ Monitor

- ☀ Volume, trends, type of complaints, action taken, resolution

☀ Investigate

- ☀ The five “W’s” (what, where, when, who, and why?)

Complaints cont'd

- ★ Learn from complaints
 - ★ Revisions, additional training, improved processes, changes to b.a. relationship
- ★ Report summary of complaints to senior management on regular basis

Violations – What to do?

Be Prepared! Be Diligent!

Be Cooperative! Be Ready!

- ★ Mitigate, to the extent practicable
- ★ Business Associate obligations
 - Notification
 - Cure breach/end violation
 - Termination
 - Report violation to Secretary of HHS
- ★ Decrease possibility of re-occurrence
- ★ Keep current on laws and evolving standards

Violations cont'd

- ✦ Follow established process, regardless of fault
- ✦ Remain objective
- ✦ Handle in timely, responsible fashion
- ✦ Document

Going Forward

- ★ As your organization moves forward to meet the Security Rule requirements, ensure compliance with Privacy and Security Rules is consistent across organization.
- ★ Understand and communicate that steps taken to ensure compliance are fluid and ever-evolving in order to meet legal and organization needs.



Questions