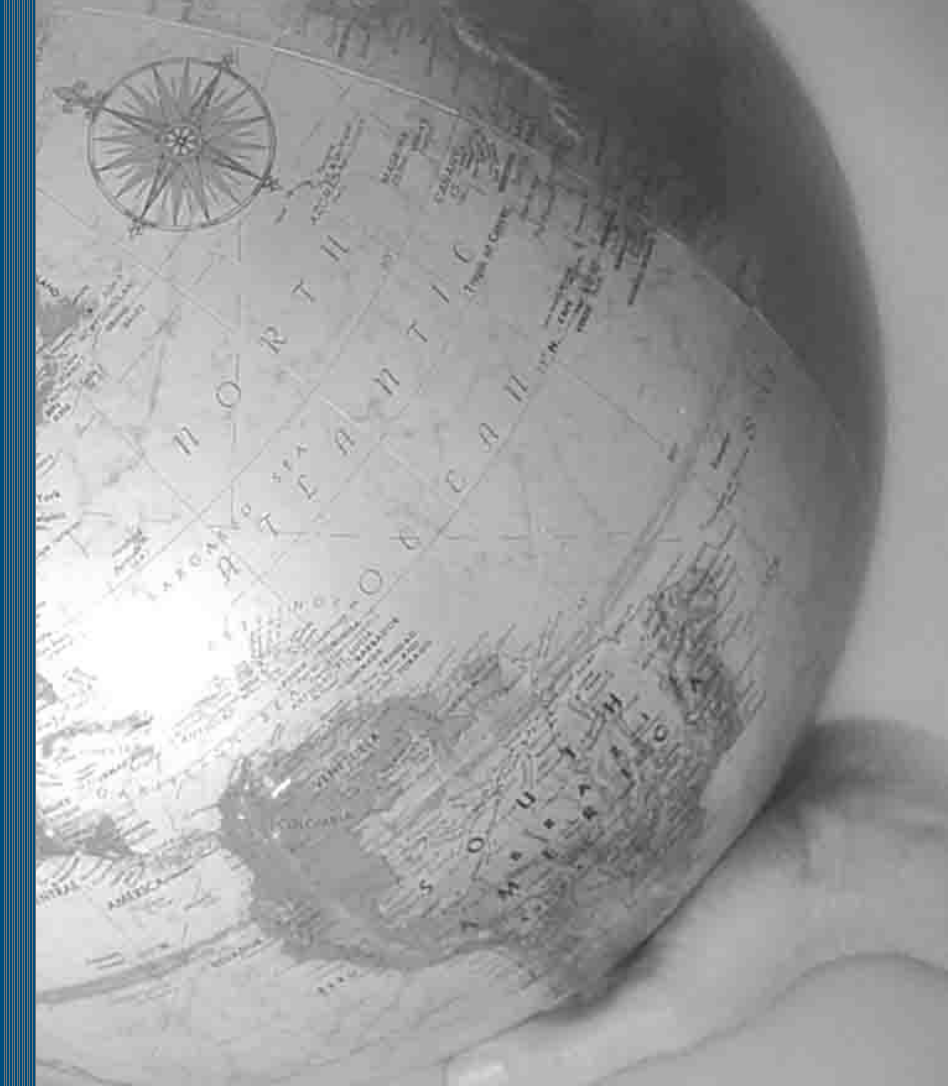


Late? A Pragmatic HIPAA Compliance Strategy



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September 16, 2003



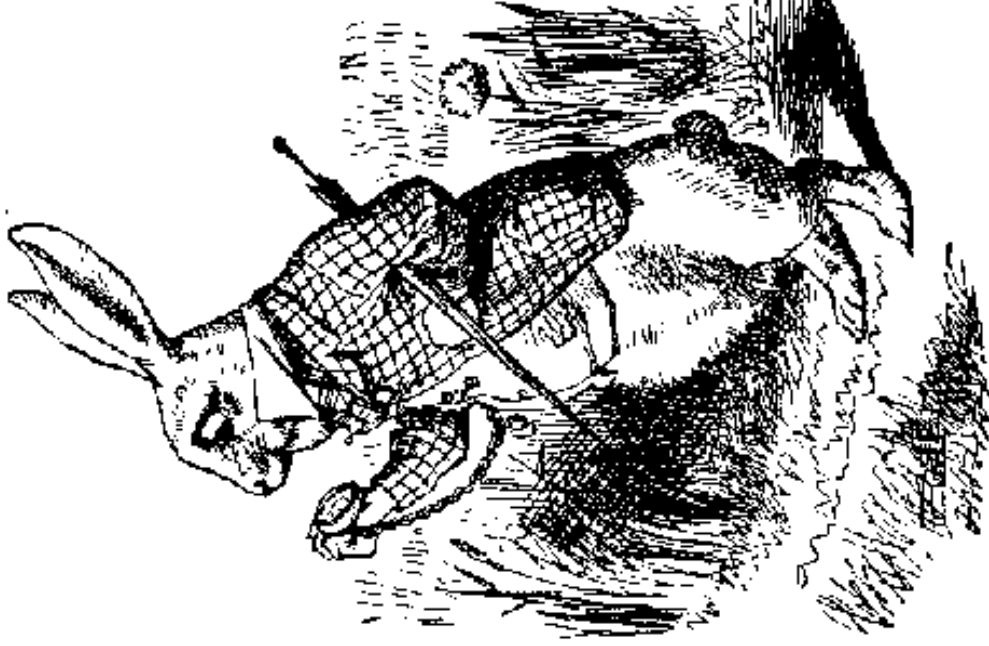
we get  done.

Adventures in the HIPAA Wonderland: Dealing with the White Rabbit Syndrome, While Avoiding the Red Queen



DOWN THE RABBIT-HOLE

"Oh dear! Oh dear! I shall be too late!"



"In another moment Alice went down the large rabbit-hole after the rabbit, never once considering how in the world she was to get out again."

Late?

Deal with the White Rabbit Syndrome

- Don't panic
- Avoid "expediency" & last minute "heroics"
- Don't waste your resources
- Don't paint yourself into a corner: consider how you're going to "get out again"

How in the World Do I Get Out Again?

THE POOL OF TEARS

Poor Alice! It was as much as she could do; but to get through was more hopeless than ever: she sat down and began to cry again.

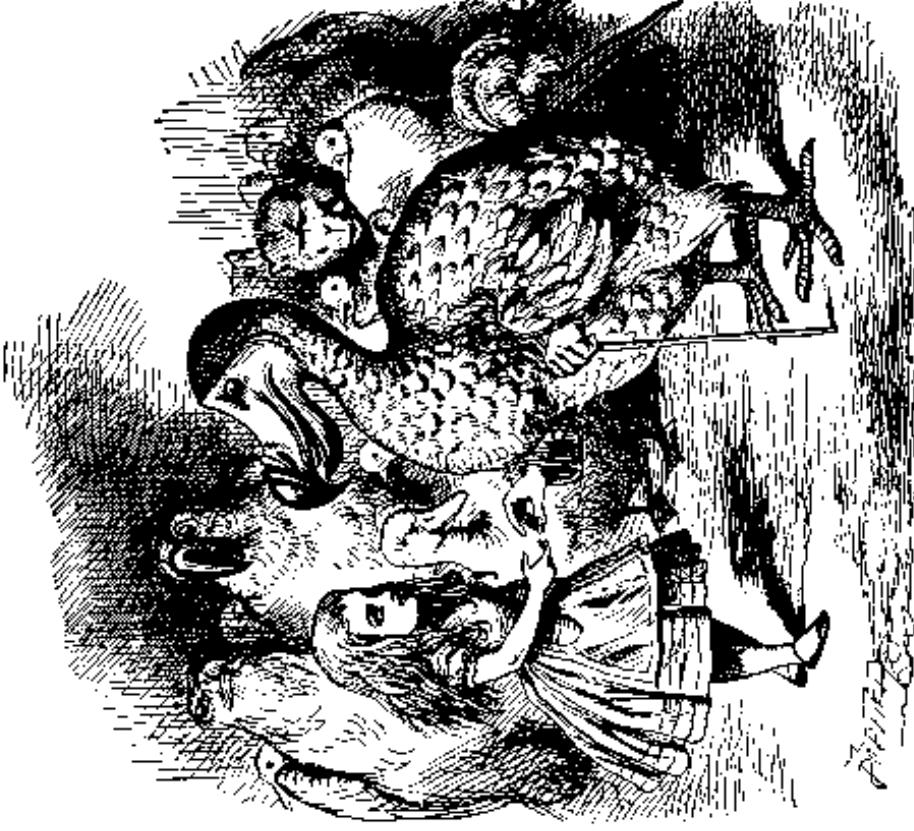


Avoid Getting Overwhelmed by HIPAA

- If you're late and behind the power curve, it's easy to feel overwhelmed -- as if you're in deep water.
- Get a grip!
- Consider the parallel between what's to be done for HIPAA and what happens in an ED when there's a disaster.

Triage !!

A CAUCUS-RACE AND A LONG TALE



*'The first question of course was, how to get **compliant**: they had a consultation about this, and after a few minutes it seemed quite natural.'*

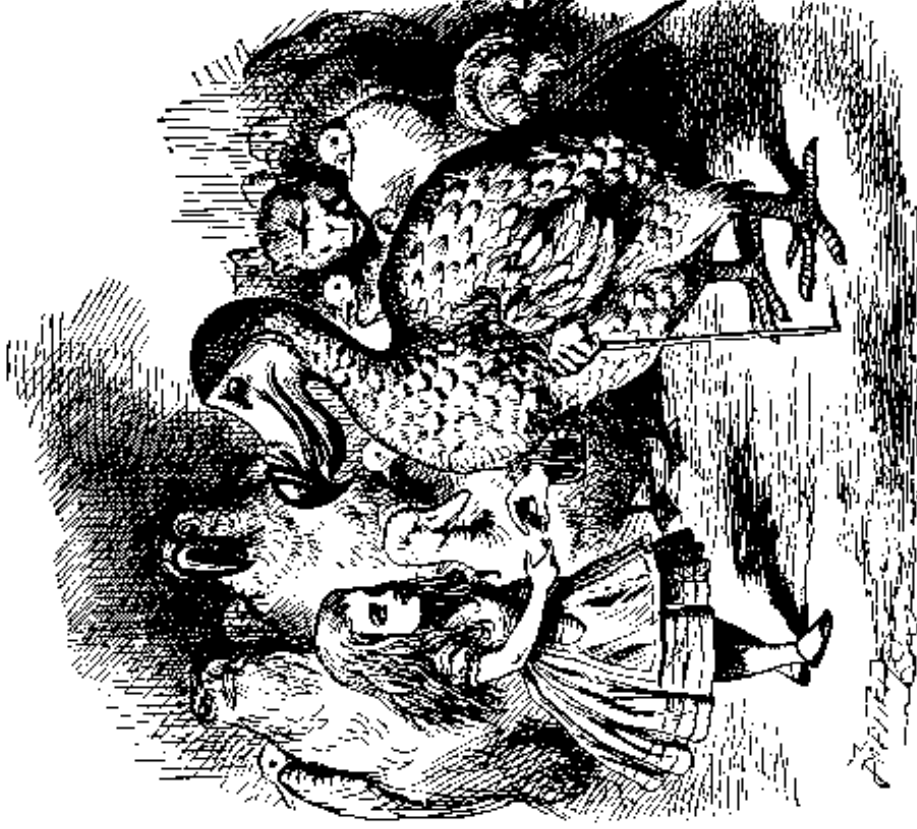
*'... Said the Dodo, the best thing to get us **compliant** would be a Caucus-race.'*

*'What *is* a Caucus-race?' said Alice.*

'Why,' said the Dodo, 'the best way to explain it is to do it.'

(Sound like any sales people with whom you've talked?)

A CAUCUS-RACE AND A LONG TALE



First it marked out a race-course ('the exact shape doesn't matter,') and then all the party were placed along the course, here and there.

There was no 'One, two, three, and away,' but they began running when they liked, and left off when they liked, so that it was not easy to know when the race was over.

However, when they had been running half an hour or so, ...the Dodo suddenly called out 'The race is over!' and they all crowded round it, panting, and asking, 'But who has won?'

Sound like your HIPAAA Program??

Avoid the HIPAA Caucus-Race

Triage !!

THE RABBIT SENDS IN A LITTLE BILL



Don't Get Bitten by the HIPAA "Hound"
Avoid Misspent Dollars

Perform a short, high-level assessment

Triage:

- Look for low lying fruit, and
- Determine your critical areas
- Set a course towards compliance for these areas
- Do the minimum required to "stop the bleeding" (versus a full cure)

Different for each organization:

- Critical areas
- Effort required for each area

Determine Your Critical Path



Amortize/Defer the Cost of HIPAA
Achieve the Value of HIPAA

High-Level Assessment Goals

Validate current progress against HIPAA requirements

- Transactions and Code Sets
- Privacy
- Security

Conduct an independent review of the activities currently planned, underway, and completed

Develop recommendations for continued progress towards HIPAA compliance

Project Critical Success Factors

Participation in training

Availability of appropriate documentation for review

Availability of appropriate staff members for interviews

You get out of this activity exactly what you put into it !

Exemplar Project: Project Timeline

Week 0	Week 1	Week n	Week x
<u>Project Startup</u>	<u>Kickoff/ Training/ Interviews</u>	<u>Analysis Phase</u>	<u>Final Report/ Presentation</u>
3 Finalize SOW	3 Kickoff Meeting	3 Review findings	3 Develop the Final Report and Presentation
3 Develop Interview Schedule	3 Develop Interview Schedule	3 Create IV&V Findings for Privacy	3 Present Final Report
3 Request Documentation	3 Conduct HIPAA Overview Training Session	3 Develop High -Level Transactions Plan	3 Return all Client Materials
3 Schedule Training Session	3 Review Documentation	3 Develop High -Level Security Plan	3 Present Findings/Plan
3 Finalize Deliverables	3 Conduct Interviews	3 Prioritize Tasks	3 Follow -up on all Questions
	3 Interview key stakeholders	3 Develop Recommendations	
	3 Document Findings		

Examples of Typical Critical Path Items

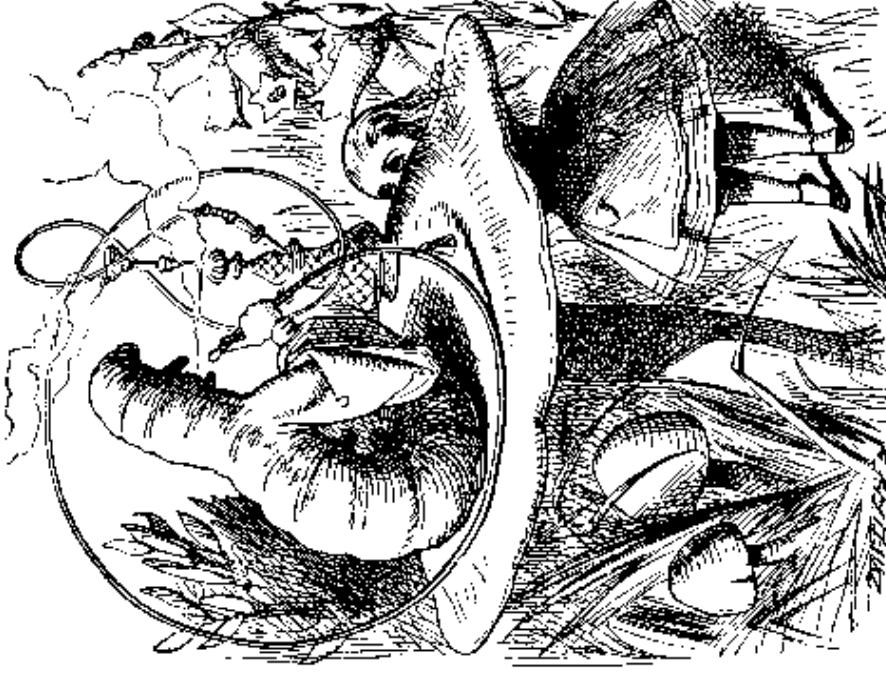
Provider Organization:

- **Claims Transactions**
- **Privacy Policies**
- **Workforce Training**
- **Basic Security Policies**
- **Basic Security**

Payor Organization:

- **Claims Transactions**
- **Other Transactions**
- **Privacy Policies**
- **Workforce Training**
- **Basic Security Policies**
- **Basic Security**

ADVICE FROM A CATERPILLAR



Get the Right Advice from the Right People
(There are Lots of Inept HIPAA Consultants)

Ask the Right Questions:

- Look for Experience
 - Similar HIPAA Engagements
 - Project Management
 - HC: Specific Provider/Payor Experience
 - Proven Approach & Methodology
 - Good Tools
- Talk to Former Clients

Critical to Success:

- Well-Defined SOW (and follow-up)
- Well-Defined Deliverables



Focus on Your Critical Path – Avoid the Noise and Confusion of HIPAA Compliance

“Would you tell me, please, which way I ought to go from here?”

‘That depends a good deal on where you want to get to’, said the Cat”.

Put a Plan in Place

“‘All right,’ said the Cat; and this time it vanished, beginning with the end of the tail, and ending with the grin, which remained some time after the rest of it had gone.”



What to Do After the Consultant Leaves

A MAD TEA-PARTY



Avoid the Hatter and the March Hare

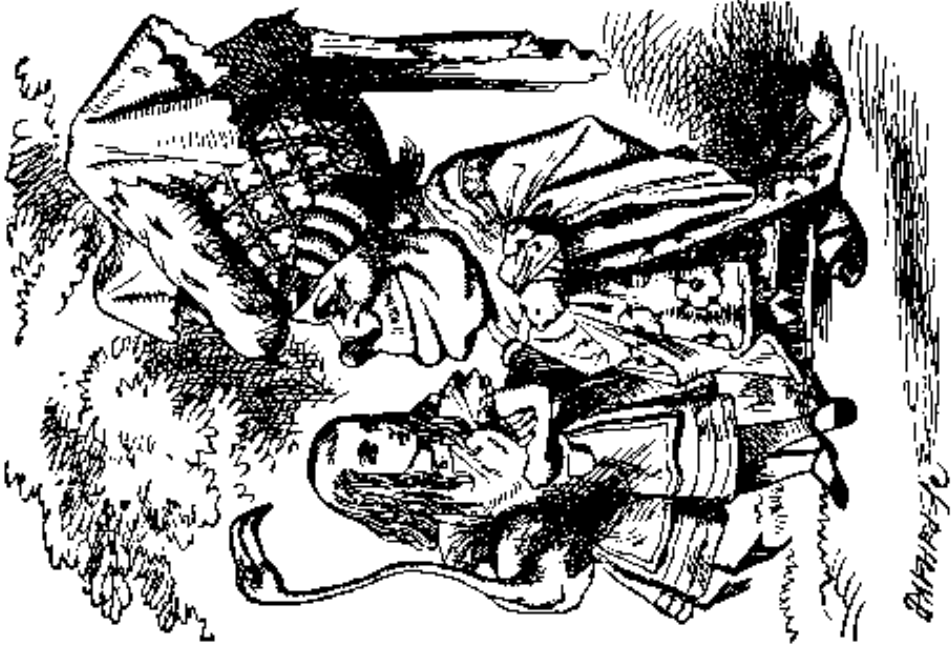
“Now, I’ll manage better this time...” :

Set up a HIPAA PMO and Staff It Properly

***“Come, there’s half my plan done now!
How puzzling all these changes are!
I’m never sure what I’m going to be,
from one minute to another!”***

Stay the Course: Follow the Triage Plan

THE QUEEN'S CROQUET-GROUND



“...they don't seem to have any rules in particular; at least, if there are, nobody attends to them”

**Use Risk and Liability to Drive Your Plan
Manage Your Flamingo!! (Risk)
Exercise Project Management Discipline**

“The executioner's argument was... that he had never had to do such a thing before, and he wasn't going to begin at HIS time of life. ...

Communications: Get Everyone On Board

The Queen's argument was, that if something wasn't done about it in less than no time she'd have everybody executed, all round.”

DHSS has a more enlightened philosophy

THE MOCK-TURTLE'S STORY



Large Effort
Large Impact



"The game's going on rather better now..."

Is it (Turtle) Soup Yet?

Stay the Course: Follow Your Triage Plan!

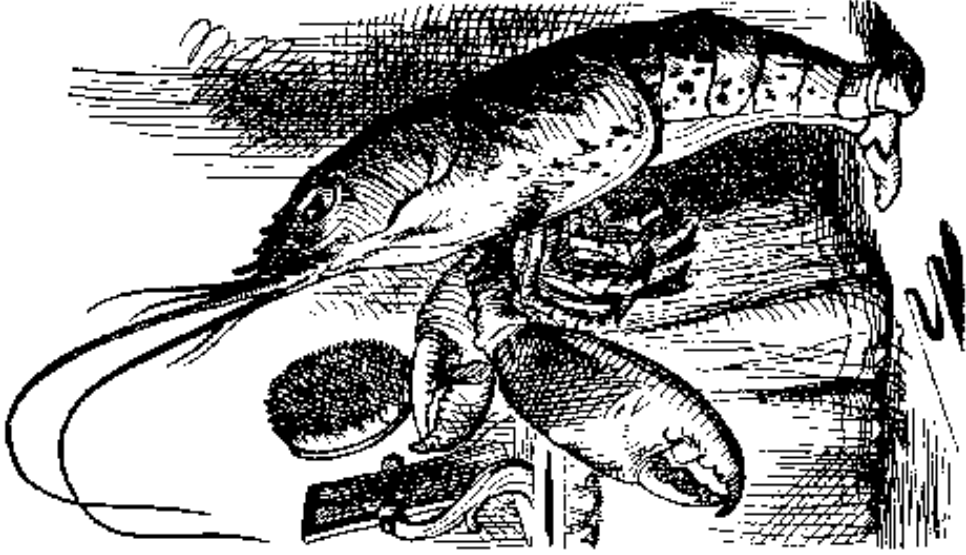
"Alice thought to herself, 'I don't see how he can even finish, if he doesn't begin.'"
(How many organizations got here ...)

**Compliant versus Non-Compliant HIPAA
Privacy Awareness Training:**

"'I couldn't afford to learn it.' said the Mock Turtle with a sigh. 'I only took the regular course.' ... 'That's the reason they're called lessons,' the Gryphon remarked: 'because they lessen from day to day.'"

Workforce; Organization Policies; Job Context
NOT HIPAA 101

THE LOBSTER QUADRILLE



The HIPAA Square Dance:

**TCS Validation, Integration and
Interoperability Testing -- DO-SA-DO**

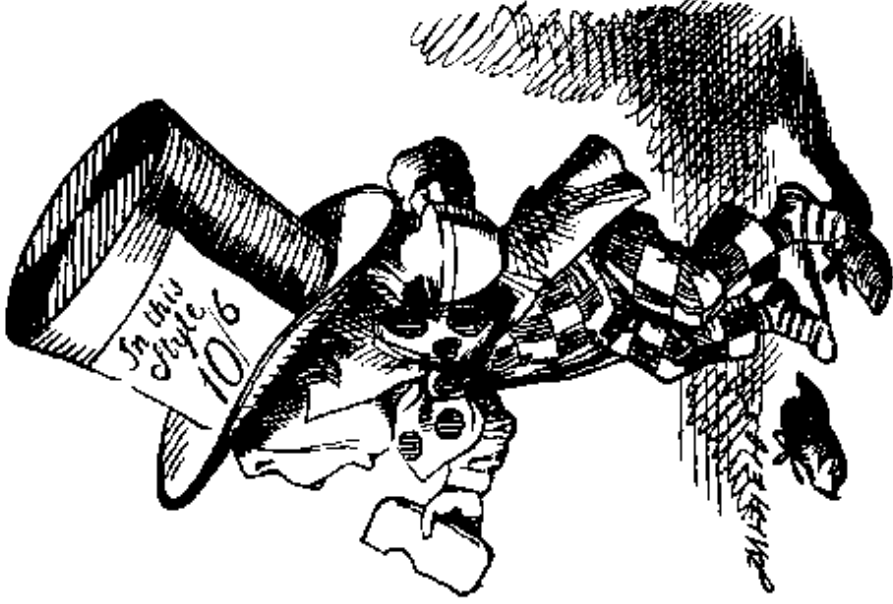
Are we approaching a “train wreck”?

Where do you stand?

Needed: A Sound Test Plan & PM Discipline

How many Dance Partners Do You Have?

WHO STOLE THE TARTS?



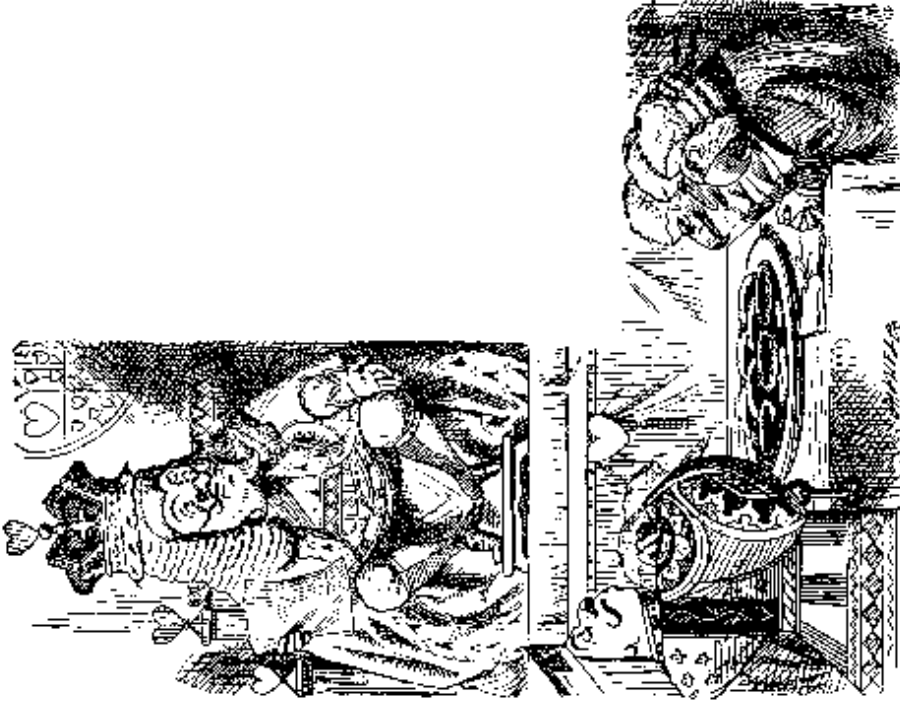
HIPAA Privacy: Twelve Typical Critical Areas

- Determination of Covered Entity Status
- Notice of Privacy Practice
- Organizational Policies
- (Documented) Procedures
- Workforce Training
- Minimum Necessary
- Use and Disclosure to Facility Directories
- Disclosure Tracking
- Authorizations
- Individual Rights
- Research (Providers)
- Business Associate Agreements

HIPAA Security Compliance: Now and Later

Addressable Doesn't Mean Optional

'Give your evidence,' said the King; 'and don't be nervous, or I'll have you executed on the spot.'



The Trial: Public and Governmental Scrutiny

***“No, no!” said the Queen. `Sentence first--
verdict afterwards.’”***

**So Am I Compliant or Not? ... The Jury’s Out!
The Shifting Sands of HIPAA = Alice’s
Adventures in HIPAA-land**

**Document, Document, Document
(It’s a Compliance Program, Stupid!)**

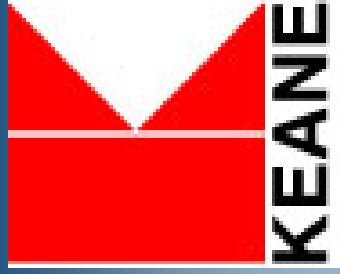
Plans = Intent

***“Oh, I’ve had such a curious dream!” said
Alice, ... all these strange Adventures...”***

And the Adventure is Just Beginning !!

QUESTIONS?





we get **IT** done.

Thank You!

