

HIPAA Training

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THE HIPAA COLLOQUIUM at Harvard University

Healthcare Transactions and Code Sets, Privacy, Data Security and HIPAA/GLB Compliance

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The Training Challenge



The HIPAA Challenge

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 requires that virtually all employees of healthcare provider organizations, healthcare insurers, and healthcare clearinghouses be trained in the areas of privacy and security. Roughly 14 million employees need to be trained.

➔ **Deadline for completing training is April 14, 2003**

HIPAA Requires Re-training:

- Whenever policies or procedures change
- Whenever the regulations change
- For hires or job changers

26+ states have even more burdensome privacy regulations

What Does The Regulation Actually Say



- ➔ **Employee Training on Use and Disclosure**
- ➔ **Regulatory Authority**
45 C.F.R. §164.530(b)
- ➔ 1) Standard: training. A covered entity must train all members of its workforce on the policies and procedures with respect to protected health information required by this subpart, as necessary and appropriate for the members of the workforce to carry out their function within the covered entity.

What The Regulation Requires



- ➔ 2) Implementation specifications: training. (i) A covered entity must provide training that meets the requirements of paragraph (b)(1) of this section, as follows:
 - ➔ (A) To each member of the covered entity's workforce by no later than the compliance date for the covered entity;
 - ➔ (B) Thereafter, to each new member of the workforce within a reasonable period of time after the person joins the covered entity's workforce;

What The Regulation Requires



- ➔ (C) To each member of the covered entity's workforce whose functions are affected by a material change in the policies or procedures required by this subpart, within a reasonable period of time after the material change becomes effective in accordance with paragraph (i) [policies and procedures] of this section.

What The Regulation Requires



- ➔ (ii) A covered entity must document that the training as described in paragraph (b)(2)(i) of this section has been provided, as required by paragraph (j) [documentation] of this section.

What The Regulation Requires



- ➔ The proposed security rule would require:
 - Security awareness training for all personnel, including management
 - Periodic reminders about security concerns
 - Education on virus protection
 - Training in the user's responsibility to ensure security
 - Training in password management
- (Proposed 45 CFR 142.308(a)(12))

Who Must be Trained?



➔ Privacy

- Workforce must be trained
 - Employees
 - Volunteers
 - Students
- What about others?
 - Medical staff
 - Business associates

➔ Security

- Employees, agents and contractors must have security awareness training and receive periodic security reminders

The Goal Of Privacy Training



- ➔ All employees must understand general requirements of the privacy rule
 - Rights of individuals
 - Duties and responsibilities of covered entity
 - Duties and responsibilities of business associates
 - Impact of responsibilities on their day-to-day work environment
 - Specific policies and procedures to follow
 - Sanctions for violations

Courtesy of WEDI SNIP Baltimore, March 2002

The Goal Of Security Training



- ➔ Employees, agents and contractors “would need to understand their security responsibilities based on their job responsibilities in the organization, and make security a part of their daily activities.”

Proposed Security Regulation, preamble, page 43253

Why Comply With The Training Mandate?



Penalties for Lack of Compliance And Mitigation of Risk

→ Federal fines and imprisonment:

Imprisonment and fines of up to \$250,000 for intentional violations per incident, \$25,000 per incident for unintentional violations

→ Civil lawsuits:

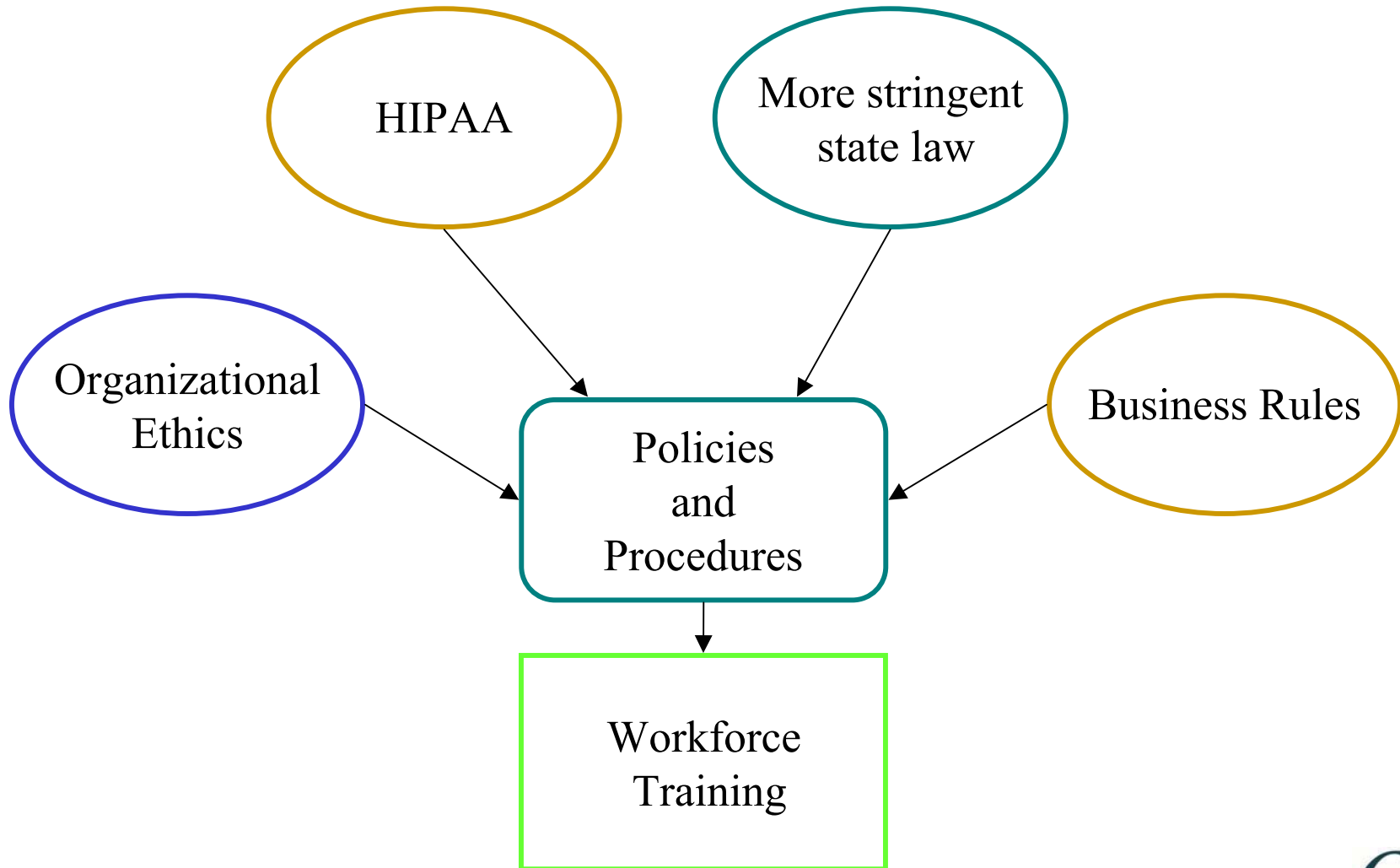
Ely Lilly agreed to pay \$160,000 for unintentionally releasing the names of Prozac users through a programming error

Johns Hopkins Hospital is being sued for \$12 million for releasing protected health information about a patient to a former employer

→ Lost business:

The Federal Government, through the Centers for Medicare and Medicaid (CMS - the largest national payer), has made HIPAA-compliance a requirement for CMS contractors

P&P Training



Policies and Procedures



➔ A HIPAA-Based Policy:

“We restrict the use and disclosure of all individually identifiable health information. Individually identifiable health information is information that identifies or could be used to identify an individual, and that contains information about the individual’s health condition or health care, including payment for health care.”

➔ An Alternative:

“We treat all health care related information as confidential, whether or not it identifies an individual, or could be used to identify an individual.”

Training Options

- Web based training
- Instructor Led Training
- Classroom style
- Seminars & conferences
- Audio conference/web cast
- Self-directed learning
manuals,
video,
CDROM
- Purchase or develop Policies and Procedures





➔ HIPAA “Undergraduate” Course

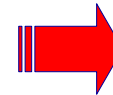
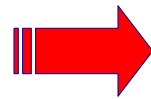
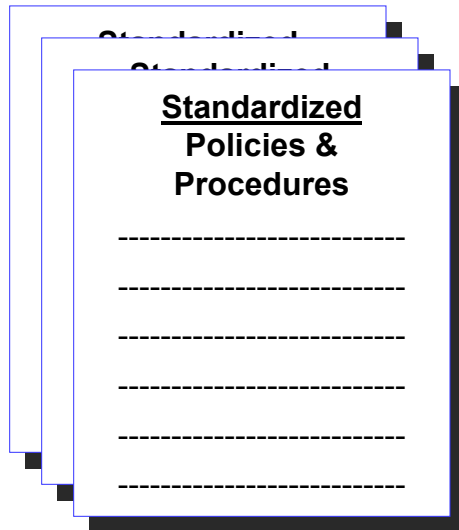
100 Level Course: Standard privacy and security awareness training required for all employees to meet HIPAA requirements

➔ HIPAA “Graduate” Courses

200 Level Courses: Job specific training based on your organization’s Policies & Procedures, tailored to individual job roles, title and work activities

300 Level Courses: State specific regulations

Policies and Procedures Development



Your Customized
Policies &
Procedures

P&P 1

P&P 2

P&P 3

P&P 4

P&P 5

P&P 6



- ⇒ Discussion of each P&Ps' importance
- ⇒ Implications of the use of each
- ⇒ Correlation to specific HIPAA regulation
- ⇒ Proposed step-by-step procedure
- ⇒ Applicable form

Compliance Officer/
Office Manager

Policies and Procedures By Job Function



Each employee receives a unique course based on their specific job function and job title.



P&P 1,5,9

Module 1: Administrative Requirements



P&P 3,35,50

Module 2: Individual Rights



P&P 2,8,10

Module 3: Consent and Authorization



P&P 23,24,39

Module 4: Use and Disclosure - General PHI



P&P 10,12,29

Module 5: Uses and Disclosures - Specific Applications



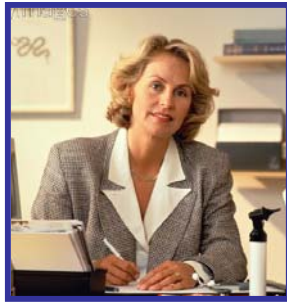
P&P 9,17,49

Module 6: Uses and Disclosures - Authorization Not Required

Job-Specific Training



1. Deliver job specific courses to to each employee



2. Create employee specific course based on Job activity, title



3. Match Custom P&Ps to Employee Profile



4. Start with your Custom Policies & Procedures



Training Demo:



Quick Compliance - Microsoft Internet Explorer

back next menu glossary exit

4. General Uses and Disclosures in Day-to-Day Business

Verifying the Requester/Minimum Disclosure

Let's watch Tracy take another call.
Let's look at some right and wrong ways to respond to this request.

 Click each customer service response, then read the comments.

- Yes, we do have a claim for that member. It's dated October 12.
- I first need to get your company's tax ID number.
- OK, I have verified your ID number. We show a claim for herpes and chlamydia cultures...





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INTRODUCTION TO HIPAA PRIVACY AWARENESS

HIPAA Resources

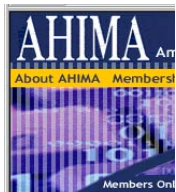


The National HIPAA Summit Conference Series *The Leading Forum on Healthcare Privacy, Confidentiality, Data Security and HIPAA Compliance*

<http://www.hipaasummit.com>



<http://www.mgma.com>



<http://www.ahima.org>



<http://www.cms.hhs.gov/hipaa>



<http://snip.wedi.org>



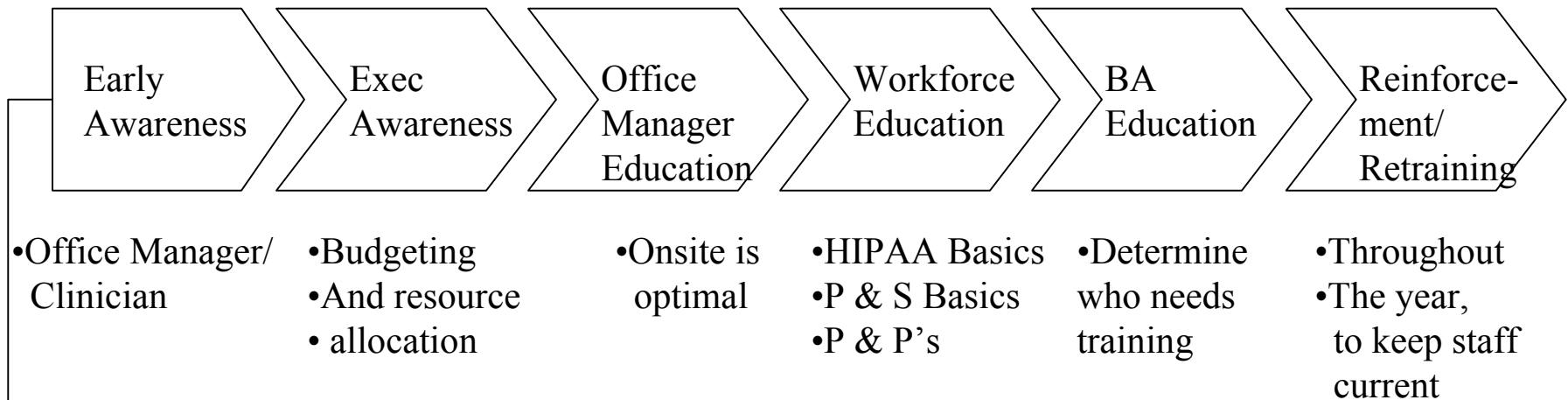
<http://aspe.hhs.gov/admnsimp/Index.htm>

Getting Started



April 14, 2003 Is Only 8 Months Away

The Education Timeline



The Emotional Spectrum

